The Council of the City of Raleigh met in a regular session on Tuesday, November 19, 1985 at 1 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

The City Council began the meeting standing in remembrance of John H. Baker, Sr., Raleigh Police Officer for a number of years, and Sergeant at Arms for the City Council. Mr. Baker passed away recently. The Mayor called the meeting to order and invocation was rendered by the Reverend Steven Gerhard, Holy Trinity Lutheran Church. Mayor Upchurch asked the City Manager, Councilman Calloway, and Councilman Keller to work together toward an appropriate memorial that can be placed somewhere in or around the City Council Chamber in remembrance of Mr. Baker.

RECOGNITION OF SPECIAL AWARDS

***PROCLAMATION - CARE AND SHARE WEEK PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the week November 24-30 as Care and Share Week in the City of Raleigh. The proclamation was accepted by Greg Kirkpatrich, Executive Director of the Food Bank of North Carolina/Raleigh, and Christie Barbee, Coordinator of the Shepherd's Table and President of the Capital Area Food Coalition.

***PROCLAMATION - RALEIGH JAYCEE GOODFELLOWS MONTH

Mayor Upchurch read a proclamation proclaiming Raleigh Jaycee Goodfellows Month in the City of Raleigh. He indicated this is the 51st consecutive year the Goodfellow Program has been conducted and explained the program of having dinner for a group of underprivileged children and then taking them on a shopping spree to buy an item of clothing they need. The proclamation was accepted by Robert Gooch, Chairman of the Goodfellows Drive, Doug Huff, Steve Miller, Jim Brown, and David McNeil.

***RECOGNITION - NORTH CAROLINA HOUSING FINANCE AGENCY AWARD - PRESENTED

Mayor Upchurch indicated the North Carolina Housing Finance Agency was recognized with having the most outstanding program in the Nation at the 15th annual conference recently. He presented a certificate of appreciation to Gary Paul Kane, Executive Director of the North Carolina Housing Finance Agency. Mr. Kane briefly explained the program and how the City of Raleigh is involved.

***PROCLAMATION - UNITED NEGRO COLLEGE FUND TELETHON WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the week December 22-28, 1985 as United Negro College Fund Telethon Week in the City of Raleigh. The proclamation was accepted by Mr. Harold Webb, and Dr. Stanley Smith, as well as other representatives of the two negro colleges in Raleigh. Dr. Smith expressed appreciation, pointing out there are 6 private negro colleges associated with this fund in North Carolina, two of which are located in the City of Raleigh. He explained the two Raleigh institutions have a combined 3,400 students, with an income of approximately of $20,000,000 per year, explaining using the multiplying effect, that would bring in some $100,000,000 per year to the Raleigh/Wake County area.

***SYMPATHY - DEATH OF CLIFF WOODLIEF - RESOLUTION ADOPTED

Mayor Upchurch indicated at the last City Council Meeting discussion took place relative to the passing of Clifton Woodlief, former Chairman of the Raleigh Planning Commission. He indicated Mr. Walters had suggested adoption of a resolution honoring Mr. Woodlief, and expressing sympathy to his family. Mayor Upchurch read the resolution in full. Mr. Congleton moved adoption of the resolution as presented. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 4

WHEREAS, the City of Raleigh recently suffered the loss of one of its most conscientious and concerned citizens; and

WHEREAS, Clifton L. Woodlief expressed his dedication to our Capital City through his service as a member, vice-chairman and chairman of the Raleigh Planning Commission; and

WHEREAS, through his sincere interest and devotion of time and effort Clifton Woodlief contributed immeasurably to the future well-being of this city and to a quality of life for all Raleigh citizens.

NOW, THEREFORE, BE IT RESOLVED that the Raleigh City Council does hereby express its profound appreciation for his years of service and his quality leadership and guidance; and,

FURTHERMORE, extends sincere sympathy to his family and loved ones in this shared loss.

***GLENWOOD AVENUE BEAUTIFICATION PROJECT - CONTRIBUTION RECEIVED

Mayor Upchurch indicated we have received a contribution from the 3600 Glenwood Associates in the amount of $1,000 for the Glenwood Beautification Project. He expressed appreciation for the check indicating this brings the contributions to $4,500. City Manager Benton indicated the City will begin planting the trees next month. (See Resolution 671)

***CHINA - NANCHANG KIANGSI PROVINCE - GIFT ACCEPTED

Mayor Pro Tem Walters indicated on Thursday, November 14, three members of the Raleigh Sister City Committee and City Attorney McCormick, and himself met with a delegation of Chinese representing the Mayor of Nanchang, Kiangsi Province, Southern China. He indicated he would report to the Council at a later time the particulars of this meeting. He explained that the City of Nanchang in Kiangsi has been famous as a resort and cultural center since Imperial times, and much of the finest porcelain in the country is found there. Mayor Pro Tem Waters indicated he received a gift from Mr. C. T. Chen, who is associated with Orien Metro, which he would now present to the City of Raleigh, and request that it be properly identified and displayed in the Office of the Mayor. He presented a beautiful set of matched hand-painted Chinese porcelain. On behalf of the City, Mayor Upchurch accepted the gift.

***COUNCIL MEMBERS - COMMENDED

Mayor Upchurch indicated this the last City Council meeting of Council Members Keller, Babb, Block and Calloway. He indicated he felt they should be recognized for the many years of service. The remaining Council members and audience gave the Council members a standing ovation. Mayor Upchurch also recognized Council-elect Charles Meeker, and Former Governor James B. Hunt, Jr. who were in the audience.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS PRESENTED

Mayor Upchurch presented the Consent Agenda, indicating all items are considered routine and may be enacted by one motion. If a councilor requests discussion, the item will be removed from the consent agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. No one asked to pull items from the Consent Agenda. Mr. Congleton moved Administration's recommendations as outlined on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***PARKS AND RECREATION - ACCEPTANCE OF GRANTS - APPROVED - ORDINANCE ADOPTED

Wake County has awarded two grants to the City of Raleigh:

A. $25,000 for greenway development at Lake Johnson;

B. $10,000 for Master Plan at Lake Wheeler

Recommendation: That Council accept the grants, authorized execution of the grant agreements, and approve the appropriate budgetary action to provide for the expenditure of funds. Consent Agenda approval Congleton/Babb - 8 ayes.

ORDINANCE NO. (1985) 675

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 85/86 Budget appropriations be increased as follows to reflect acceptance of two grants from Wake County:

Revenue:	37-1-0060-0200	Wake-Lake Wheeler	$10,000.00
	37-1-0060-0300	Wake-Lake Johnson	20,000.00
		TOTAL	$35,000.00
Expense:	37-2-4015-0102	Lake Wheeler - Consult.	$10,000.00
	37-2-8981-0100	Lake Johnson	20,000.00
		TOTAL	$35,000.00

***NEW BERN PLACE - SALE OF PROPERTY - RESOLUTION PROPERTY

A part of the New Bern Place project is the sale of a vacant lot to be used for parking to serve the business activities in the ares. This has been reviewed by the Real Estate Committee. The City has negotiated a sale to the Historic Preservation Foundation of North Carolina for $31,900. A copy of a proposed Resolution of Sale was included in the Agenda packet.

Recommendation: That the City Council approve the resolution authorizing the City Manager to dispose of 209 E. Morgan Street. Consent Agenda approval Congleton/Babb - 8 ayes.

RESOLUTION NO. (1985) 5

RESOLUTION AUTHORIZING THE SALE BY PRIVATE NEGOTIATION OF CITY PROPERTY LOCATED AT 209 EAST MORGAN STREET.

WHEREAS, the City is presently the owner of a parcel of land located at 209 East Morgan Street, formerly the site of the White-Holman House; and

WHEREAS, the property is not presently being used, nor does the City plan on this site any action for public use; and

WHEREAS, because the site lies in close proximity to the historic Bretsch House and the relocated White-Holman House, and is an integral component of the New Bern Place Historic Redevelopment Area, it is desirable that the lot be committed to use as a public parking area with appropriate restrictions to this end; and

WHEREAS, G.S. 160A-266 (b), paragraph 2, authorizes the City, in its decision to dispose of certain real property by private negotiation and sale when:

i). "...said real or personal property is significant for its architectural, archaeological, artistic, cultural or historical associations, or significant for its relationship to other property significant for architectural, archaeological, artistic, cultural or historical association..."

ii). "...said real or personal property is to be sold to a non-profit corporation or trust whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significance; and,"

iii). "where a preservation agreement or conservation agreement is placed in the deed conveying said property from the City to the non-profit corporation or trust. Said non-profit corporation or trust shall only dispose of or use said real or personal property subject to covenants or other legally binding restrictions which will promote the preservation or conservation of the property, and, where appropriate, secure rights of public access."

WHEREAS, the Historic Preservation Foundation of North Carolina (HPFNC), has made an offer of $31,000.00 to the City for the purchase of this parcel and has indicated its willingness to subject the conveyance of the property to all conditions regulated under G.S. 160A-266 (b), and as set forth herein;

WHEREAS, it is in the public interest for the City to sell the lot at 209 East Morgan Street subject to these conditions, and the City proposes to accept the offer of HPFNC.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL as follows:

1. the appropriate official(s) of the City are authorized to execute the necessary instruments of conveyance to sell the above described property to the Historic Preservation Foundation of North Carolina (HPFNC), subject to the following conditions:

   a). Access easement is provided to this lot from Blount Street at the Bretsch House over HPFNC property.

   b). First refusal for lease of the parking spaces be given to owners of the Montgomery House and future owners of the White-Holman House.

   c). No change of use of this property from that of a parking lot will be allowed without the prior approval of City Council.

2. This Resolution shall be published in accordance with G.S. 160A-267.

3. The sale of the described property may be consummated after ten (10) days from the publication of this Resolution.

This 19th day of November, 1985.

***PUBLIC UTILITY PROJECT - WAKE FOREST ROAD AREA - PUBLIC HEARING AUTHORIZED

On May 21, 1985, the Council approved the use of a "private reimbursement agreement" approach to the building of a sewer line in this area. Under this approach, the developer pays the costs of the line to the City, the City builds the line under its

standard policy for assessment type projects, and the developer is reimbursed from assessment fees collected by the City.

The developer has prepared the plans for this project. The next step would be an assessment public hearing.

Recommendation: That the Council approve a public hearing for December 17, 1985, to consider the extension of a sewer line from Seaboard Railroad northwestward to Old Wake Forest Road. Consent Agenda approval Congleton/Babb 8 ayes.

RESOLUTION (1985) 6

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

(a) PU 1985-28 - Installation of approximately 2,430 feet± of 8-inch sewer main with 20-foot easement beginning in Old Wake Forest Road south of McLean Drive, the sewer travels in a southeasterly direction to an existing manhole located east of Seaboard Railway tracks (outside City limits).

(b) PU 1985-29 - Installation of approximately 2,000 feet± of 8-inch water main beginning at the Memory Road water stub off Millbrook Road, the water main travels in a southerly direction along Memory Road for approximately 2,000 feet (outside City limits).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. Assessments will be made according to the following method: Front footage of property abutting the extension upon annexation of the property.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 21st day of January, 1986, at 1:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: November 19, 1985

***E. M. JOHNSON WATER PLANT - STAFFING STUDY - CITY MANAGER AUTHORIZED TO EXECUTE AGREEMENT WITH C. L. SMITH AND DONALD FRANCISCO

Included in the 1985-86 Budget is funding for a study of staffing needs at the expanded E. M. Johnson Water Plant. The Southside Plant operations will discontinue this year. While our plans are to retain all staff from the Southside Plant and assign them to other duties, it is necessary to carefully determine the necessary staffing level for the expanded plant.

The Administration has developed a proposal with C. L. Smith, Jr., of N. C. State University Industrial Engineering Extension Department and with Donald Francisco of the UNC Environmental Engineering Department. The proposal would involve a study to be done within 60 days on an actual time fee basis not to exceed $10,000.

Recommendation: That the Council authorize the City Manager to execute an agreement with Mr. Smith and Mr. Francisco to perform this study. Consent Agenda approval Congleton/Babb - 8 ayes.

***WALNUT CREEK INTERCEPTOR PARALLELING PROJECT - DESIGN SERVICES - ADMINISTRATION TO NEGOTIATE CONTRACT WITH BONEY AND ASSOCIATES

Proposals have been solicited for design services on the project to parallel critical sections of the Walnut Creek Outfall. After review, the following firms have been evaluated as the top three for this project and are listed in priority order:

a. Boney and Associates
b. John Edwards and Company
c. Dewberry and Davis

The firm of Boney and Associates is ranked as number one because of their experience in the construction of the current Walnut Creek Outfall and their knowledge of the present facility and its location.

Recommendation: That Council approve retention of the firm of Boney and Associates subject to Administration being able to negotiate a contact which would be brought to Council for approval. Consent Agenda approval Congleton/Babb - 8 ayes.

***MUNICIPAL BUILDING-PARKING DECK - CONTRACT WITH MCLAURIN PARKING COMPANY - APPROVED

The City currently has a contract with McLaurin Parking Company to operate the deck. This agreement expires December 15, 1985. A proposed agreement has been developed to provide the continued operation of the deck by McLaurin Parking Company. A copy of the proposal was in the Agenda packet. It provides for a payment of direct costs plus a management fee of $9,600.

Recommendation: That the City retain McLaurin Parking Company under the terms of the proposal for operation of the deck for the period December 15, 1985, to December 15, 1986. Consent Agenda approval Congleton/Babb - 8 ayes.

***ENCROACHMENT AGREEMENT - LENOIR AND BLOODWORTH STREET - APPROVED AS RECOMMENDED

A request has been received to approve an encroachment agreement for a 3 to 3.5 foot encroachment into the public right-of-way for an existing apartment building. A report was in the Agenda packet which also includes the proposed conditions which should be applicable if approved.

Recommendation: The council approved the encroachment request with inclusion of the special conditions as listed, and information available in the agenda packet. Consent Agenda approval Congleton/Babb - 8 ayes.

***ENCROACHMENT - VARIOUS STREETS - AGREEMENT AUTHORIZED

A request has been received to allow an underground cable for fiber optic transmission lines. These encroachments would be at a number of railroad crossings where a City street is involved. The private operator is using the railroad corridor and will cross City streets at the railroad crossing. A report was in the Agenda packet with conditions which should be included in an approval.

Recommendation: That Council approve the encroachment request with inclusion of the specified conditions as as outlined on the material included in the agenda packet. Consent Agenda Approval Congleton/Babb - 8 ayes.

***TAXICAB OWNERS PERMITS - APPROVED ON SECOND AND FINAL READING

During the Council Meeting on November 5, 1985, the following applications for taxicab owner's permits were approved on the first reading:

Cecil Taylor, American Cab Company
(New Individual Owner's Permit)

William R. Williams, Yellow Cab Company
(Franchise Renewal)
(Mr. Williams will operate twenty-three cabs.)

Calvin Berry Bagwell, Safety Taxi Company
(Franchise Renewal)
(Mr. Bagwell will operate thirteen cabs.)

Recommendation: That the applications be approved on second and final reading. Consent Agenda approval Congleton/Babb - 8 ayes.

***TAXICAB OWNER'S PERMIT APPLICATIONS - APPROVED ON FIRST READING: TO PLACED ON DECEMBER 3, 1985 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code.

a. Franchise Renewals

Melvin J. Griffin, Sr. - Prestigest Limousine (Operate one limousine)

Ones E. Polk - Polk Limousine Service (Operate one limousine)

Clyde Hood Johnson - Johnson Limousine Service (Operate two limousines)

Henry Benjamin Murray - Southern Cab Company (Operate one cab)

Johnnie Jones, Jr., - Courtesy Limousine Service (Operate one limousine)

Johnnie Maryland Young - Young Taxi Cab Company (Operate one cab)

Abram Servance - Independent Cab Company (Operate one cab)

Fred Swan - Sunrise Cab Company (Operate fifty cabs)

Lonnie Lymen Wilder - Acme Cab Company (Operate two cabs)

Edgar W. Davis - Lincoln Cab Company (Operate three cabs)

William Eldridge Blalock, Sr. - Blue Diamond Cab Company (Operate eight cabs)

Mrs. Johnsie D. Sherman - City Taxi Company (Operate twenty-three cabs)

Malachi Wilkins - Triangle Cab Company (Operate twelve cabs)

Boaz Odhiambo and Ricks Oduor Jayala - Research Triangle Taxi and Transfer (Operate six cabs)

James Snellings - Esquire Cab Company (Operate three cabs)

b. Renewals of Individual Owner's Permit

1. Acme Cab Company

Archie Graham Kenan

2. Holiday Cab Company

James Odell Howard
Lloyd R. Campbell

3. Lincoln Cab Company

William Roberts

4. Blue Diamond Cab Company

William E. Blalock, Jr.
Charles Whitley Bobbitt
Walter Hill, III
Norman Lee Mickens

5. City Taxi Company

McKeever Dunn
James N. Melvin
Stephen Glenn
Charles Henry Snipes
John F. Snipes, Jr.
John Edward Cofield
Harrison Stanback, Jr.
Samuel L. Crowder
Norwood Matthew Peacock
William Edward Chavis
Thoedore R. Goodson
John W. Burnett
Primus Sloan
James C. Dowd, Jr.
Melvin Webster
Joseph N. Fleming
Robert Lee Stringfellow
Clyde H. Johnson
William McKinney

6. Triangle Cab Company

Jean C. Watkins
Bobbie L. Abercrombie
Claudia Hayes
Robert L. Cobbs
Mary Blackwell Hinton
Marvin Barnes
William H. Jones

7. Research Triangle Taxi and Transfer

Nnamdi Azubike Emodi
Maurice Lazarus Ochola
Willie Louis Brooks
Jacob O. Ambala

8. Esquire Cab Company

Joseph Harris

Recommendation: That the applications for taxicab permits be approved with the understanding the applications would be placed on the Council Agenda for December 3, 1985, for second and final consideration. Consent Agenda approval Congleton/Babb - 8 ayes.

***UTILITY REIMBURSEMENT CONTRACTS - DEVELOPMENT ASSOCIATES, INCORPORATED AND HARLON GROUP OF NORTH CAROLINA - APPROVED

Three reimbursable contracts have been prepared for Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

a. Development Associates, Inc.
Lot 147, Crosswinds Subdivision
12-inch sewer line
Sewer 18, Number 8
$27,464.94

b. Development Associates, Inc.
Coves at Lake Lynn and Westlake Village
24-inch sewer main
Sewer 15, Number 7
$148,742.47

c. Harlon Group of North Carolina
Trinity Road
15-inch sewer main
Sewer 14, Number 3
$236,857.80

Recommendation: That approval be granted and authorize the Mayor's signature. Consent Agenda approval Congleton/Babb - 8 ayes.

***LAKE JOHNSON POOL - CHANGE ORDER P-6 - AAA ELECTRIC COMPANY - MANAGER'S ACTIONS UPHELD

Change Order P-6 with AAA Electric Company relating to Lake Johnson was presented on the agenda, indicating it has been approved administratively by the City Manager according to Council procedure. The Change Order is for an increase of $639.62. The agenda outlined the need for the Change Order as well as the Budget Accounts that have been administratively amended.

Recommendation: Concurrence with the Manager's action on Change Order P-6 - Lake Johnson Pool. Consent Agenda approval Congleton/Babb - 8 ayes.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS UPHELD

Council members received in their agenda packet a list of administrative transfers which have been authorized by the City Manager according to Council procedure. The transfers were as follows:

	ACCOUNT NUMBER	AMOUNT
From	06-2-7030-0796	$215.00
To	06-2-7030-0249	215.00
From	06-2-7010-0260	150.00
To	06-2-7010-0724	150.00
From	01-2-1200-0231	25.00
To	01-2-1200-0705	25.00
From	01-2-1200-0226	500.00
To	01-2-120000213	500.00
From	01-2-1040-0211	300.00
To	01-2-1040-0212	300.00
From	01-2-1040-0001	800.00
To	01-2-1150-0260	800.00
From	01-2-4110-0100	556.80
To	01-2-4110-0103	556.80
From	01-2-1040-0001	900.00
To	01-2-1020-0265	900.00
From	37-2-4020-0100	300.00
To	37-2-4020-0104	300.00
From	02-2-2030-0700	535.00
To	02-2-2030-0260	535.00
From	38-2-2010-0112	639.00
To	38-2-3050-0205	639.00

From	01-2-3050-0236	8.09
To	01-2-3050-0701	8.09
From	38-2-3040-0100	798.00
To	38-2-3040-0104	798.00

Recommendation: Concurrence with the Manager's actions is recommended. Consent Agenda approval Congleton/Babb - 8 ayes.

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The agenda presented a list of recommended transfers in various departments for purposes as stated therein.

Recommendation: Authorization of transfers as outlined on the agenda. Consent Agenda approval Congleton/Babb - 8 ayes.

ORDINANCE NO. (1985) 673 TF 9

AN ORDINANCE TO AMEND THE 1985-1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 19-2-8360-0534	Program Reserve	$ 2,000.00
To 19-2-8360-0700	Equipment	2,000.00
Purpose: To purchase bleachers and other equipment.		
From 34-2-3410-0100	Equipment Service Depot	$ 1,244.00
To 34-2-3410-0104	Salt Facility 'D'	1,244.00
Purpose: To provide landscaping for Salt Storage Facility.		
From 01-2-1040-0001	Contingency	$75,000.00
To 01-2-1040-0209	Employee Liability Compensation	75,000.00
Purpose: Supplementing account to pay Workers' Compensation costs for remainder of fiscal year.		
From 01-2-1040-0001	Contingency	$12,900.00
To 01-2-1040-0210	Police and Fire Relief	12,900.00
Purpose: Supplementing account for remainder of fiscal year.		
From 01-2-1040-0001	Contingency	$ 782.00
To 02-1-5360-0102	Section 104 (f) PL	782.00
Purpose: To provide City cash match necessary to increase existing Section 104 (f) PL Budget to purchase furniture and equipment for two new positions.		
From 01-2-1040-0001	General Fund	$ 4,050.00
To 01-2-1230-0730	General Government	4,050.00
Purpose: To provide work station and chair for new Planning Technician Position.		
From 01-2-1040-0001	Contingency	$15,234.00
To 01-2-1200-0100	Salaries	15,234.00
Purpose: Funding additional Assistant City Engineer.		

Adopted: 11/19/85

***BID REQUEST 85 - 29 - VACUUM STREET SWEEPER - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertisement as required by law bids were received and publically opened in the Office of the Purchasing Agent on October 23, 1985 for a vacuum street sweeper, less trade, with results as follows: North Carolina Equipment Company - $76,945; Public Works Equipment and Supply, Incorporated - $77,800.

Recommendation: Award bid to North Carolina Equipment Company. Consent Agenda approval Congleton/Babb - 8 ayes.

***BID REQUEST 85 - 36 - 3 - TURF TRACTOR - BID AWARDED TO R. W. MOORE EQUIPMENT COMPANY

Pursuant to advertisement as required by law bids were received and publically opened in the Office of the Purchasing Agent on November 6, 1985 for three (3) turf tractors, less trade with results as follows: R. W. Moore Equipment Company, Incorporated - $34,527; Senter-Sanders Tractor Corporation - $37,000; Revels Tractor Company, Incorporated - $42,825.

Recommendation: Award low bid submitted by R. W. Moore Equipment Company, Incorporated. Consent Agenda approval Congleton/Babb - 8 ayes.

***BID REQUEST 85 - 37 - LANDFILL COMPACTOR - BID AWARDED TO E. F. CRAVEN COMPANY

Pursuant to advertisement as required by law bids were received and publically opened in the Office of the Purchasing Agent on November 6, 1985 for a landfill compactor, less trade, with results as follows: E. F. Craven Company - $124,301; Barton Equipment Company - $159,925.

Recommendation: Award of the low bid submitted by E. F. Craven Company. Consent Agenda Approval Congleton/Babb - 8 ayes.

***BID REQUEST 85 - 38 - TWO RUBBER-TIRED BACKHOE/LOADER TRACTORS - BID AWARDED TO N. C. EQUIPMENT COMPANY

Pursuant to advertisement as required by law bids were received and publically opened in the Office of the Purchasing Agent on November 6, 1985 for two (2) rubber-tired backhoe/loader tractors with results as follows: N. C. Equipment Company - $53,000; Senter-Sanders Tractor Corporation - $57,660; R. W. Moore Equipment Company, Incorporated - $62,794.

Recommendation: Award of the low bid submitted by N. C. Equipment Company. Consent Agenda approval Congleton/Babb - 8 ayes.

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED.

The agenda presented recommended changes in the Traffic Code relating to channelization on Morgan Street, No Parking zone on Blount Street, an unnamed alley between Chamberlain Street and Horne Street, 300 block of East Hargett Street and the 900 block of Morgan Street; Yield sign installation on Taylor Street at Merriman Avenue and the changing of a Yield sign to a Stop sign on Grant Avenue at Duplin Road.

Recommendation: Approval of the changes as outlined. Consent Agenda approval Congleton/Babb 8 ayes.

ORDINANCE NO. (1985) 674

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "STOP SIGNS" be amended by adding the following:

Grant Avenue at Duplin Road

Section 2. That Traffic Schedule No. 3 entitled "YIELD SIGNS" be amended by adding the following:

Taylor Street at Merriman Avenue

Amend said Schedule further by deleting the following:

Grant Avenue at Duplin Road

Section 3. That Traffic Schedule No. 6C1 entitled "CHANNELIZATION" be amended by adding the following:

Morgan Street, eastbound at Boylan Avenue
Morgan Street, eastbound at St. Mary's Street

Section 4. That Traffic Schedule No. 6D3 entitled "CHANNELIZATION" be amended by adding the following:

Morgan Street, eastbound at Boylan Avenue
Morgan Street, eastbound at St. Mary's Street

Section 5. That Traffic Schedule No. 13 entitled "NO PARKING ZONES" be amended by adding the following:

Blount Street, west side, from Pace Street, northward 80 feet
Hargett Street, south side, from Bloodworth Street, westward 186 feet
Morgan Street, south side, beginning at point 85 feet west of Mayo Street, westward 110 feet
Unnamed alley, both sides, which runs from Chamberlain Street to Horne Street on block north of Hillsborough Street

Amend said Schedule further by deleting the following:

Hargett Street, south side, from Bloodworth Street, westward 90 feet
Hargett Street, south side, beginning at a point 171 feet east of Person Street, eastward 39 feet

Section 6. That all laws and clauses in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. That this ordinance shall become effective November 26, 1985.

Adopted: 11/19/85

Effective: 11/26/85

END OF CONSENT AGENDA

SPECIAL ITEMS

***GTE SPRINT TELECOMMUNICATIONS TOWER - REQUEST WITHDRAWN

The item relating to the request of GTE Sprint Telecommunications Tower is pending in the Law and Finance Committee. At the request of the Committee, the public hearing on the Special Use Permit was continued and directed to be placed on this Agenda for further consideration. (Later in the meeting this item was withdrawn from the Agenda with no action taken as GTE Sprint Telecommunications withdrew their request.)

***REZONING Z-115-85 - FALLS OF NEUSE ROAD - TO BE PLACED ON DECEMBER 3, 1985 AGENDA AS SPECIAL ITEM.

This was a request for approval to rezone some 800 feet south of Strickland Road (2.2 acres) from Residential-4 to Office and Institution-I. CR-5862 from the Planning Commission recommended that Z-115-85 be approved as Office and Institution III. This recommendation was made at the November 5, 1985, Council Meeting and the action of the Council was to place the item on this Agenda for consideration.

Mr. Congleton reported the neighborhood and the petitioner are still working on this item, and they have asked the matter be held for two additional weeks to give them an opportunity to further discuss the proposal. Therefore, he would move that rezoning Z-115-85 be placed on the December 3 Agenda as a special item. His motion was seconded by Ms. Babb, and put to a vote, which passed unanimously. They Mayor ruled the motion adopted.

***TC-17-85 - RESIDENTIAL DENSITY IN SHOPPING CENTER AND THOROUGHFARE DISTRICT - ORDINANCE ADOPTED

On the November 5, 1985 Council Meeting, by CR-5863, the Planning Commission recommended approval of TC-17-85 as amended: That in the Thoroughfare District, the maximum residential density not to exceed 20 family dwelling units per acre without a special use permit. Up to and including 40 units per acre will be allowed only after issuance of a special use permit (City Council approval).

That in the Shopping Center District, the maximum residential density not to exceed 15 family dwelling units per acre without a special use permit. Up to and including 30 units per acre will be allowed only after issuance of a special use permit (City Council approval).

The action of Council was to direct that it be placed on this Agenda for further consideration. Mr. Walters moved the Planning Commission's recommended by upheld. His motion was seconded by Ms. Cates, and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the ordinance adopted. (See Ordinance 675-TC-254)

Later in the meeting Mr. Congleton indicated Council Members received a letter from G. Smedes York dealing with TC-17 which the Council had just passed. He indicated Mr. York's letter had stated they had worked out some compromise language that is suggested for TC-17. Mayor Upchurch indicated he had read it, but this was similar to TC-2 in which there will always be some more work to be done on it. He stated in his opinion we need to be very careful about TC-17. Ms. Babb indicated she understood City Attorney McCormick, Associate City Attorney Botvinick and Al Adams got together on this language. She stated it is her understanding that our attorney does not believe that the proposed compromise language changes the substance of the ordinance, but it does remove some possible problems. Ms. Babb moved that the City Council recind the previous action on TC-17 for further discussion. Her motion was seconded by Mr. Congleton and put to a vote which passed with all members voting in the affirmative except Mrs. Block, Mr. Keller and Mayor Upchurch. The Mayor ruled the motion adopted.

City Attorney McCormick indicated the Planning Commission asked if there was some compromise language that would be better. He indicated he had got together with Attorney Adams at his request and the letter does explain the compromise language. He stated the compromise language doesn't do any damage, but in his opinion doesn't necessarily improve the ordinance. Ms. Babb questioned if it takes away any objective features without diluting what the City needs to get done with this ordinance. City Attorney McCormick indicated in his opinion it doesn't dilute what the City is trying to accomplish. Ms. Cates pointed out Al Adams did give her a memo and she distributed it to the City Council, and this the first response she has had. Ms. Babb indicated if the City Attorney feels that the compromise language doesn't damage the original intent but takes away some of the bad feelings she feels maybe it should be considered, with Mr. Walters indicating that TC-17 already has some compromises. Mrs. Block indicated the compromise language being proposed puts the burden of proof on the citizens and not developers, and she feels we should stick with our original ordinance. Mrs. Block moved that the City Council uphold the original action of approving TC-17 as recommended by the Planning Commission. Her motion was seconded

by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 675 TC 254

AN ORDINANCE TO REQUIRE A SPECIAL USE PERMIT FOR RESIDENTIAL DWELLINGS IN SHOPPING CENTER AND THOROUGHFARE DISTRICTS.

WHEREAS, General Statutes 160A-381 authorizes the Raleigh City Council to issue special use permits; and

WHEREAS, the Raleigh City Council finds that a limited number of residential dwellings in Shopping Center and Thoroughfare districts are an acceptable general use in Shopping Center and Thoroughfare districts, and that a greater number of residential dwellings in these districts are an acceptable special use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 10-2043(1)a of the Raleigh City Code is hereby repealed, rewritten, reenacted to read as follows:

"a. All uses permitted in office and institution II districts except that the maximum residential density shall not exceed fifteen (15) family dwelling units per acre without a special use permit. Up to and including thirty dwellings per acre are allowed in this district only subject to a special use permit being granted by the Raleigh City Council pursuant to section 10-2072 (g)."

Section 2. Subsection 10-2045.1(1)j of the Raleigh City Code is repealed, rewritten, and reenacted to read as follows: "A maximum of twenty (20) residential dwelling units per acre without a special use permit when:".

Section 3. Subsection 10-2045.1(2)c of the Raleigh City Code is hereby amended to insert at the beginning of the following: "Up to and including forty dwellings per acre are allowed in this district in accordance with section 10-2072(g) and".

Section 4. The table entitled "YARD REQUIREMENTS AND DENSITY STANDARDS ACCORDING TO ZONING DISTRICTS" appearing on page 10-41, section 10-2063(a) is hereby amended to insert five stars to the last column entitled "families per acre" for office and and institutions I and II, shopping center, and thoroughfare districts, and said footnote is repealed, rewritten, and reenacted to read as follows: "*****The families per acre indicated in excess of ten are allowed in office and institution I and II, the families per acre indicated in excess of fifteen are allowed in shopping center districts, and the families per acre indicated in excess of twenty are allowed in thoroughfare districts only after the issuance of a special use permit by the Raleigh City Council pursuant to section 10-2072(g).".

Section 5. Section 5 of Ordinance No. (1985) TC 230 which is codified as subsection 10-2072(g) of the Raleigh City Code is hereby amended to insert the first paragraph thereof immediately after the word "districts" the following language: ", shopping center districts, and thoroughfare districts".

Section 6. Section 5 of Ordinance No. (1985) 509 TC 230 which is codified as subsection 10-2072(g)(1) of the Raleigh City Code is hereby amended to delete the word "office" and in lieu thereof insert the word "zoning".

Section 7. The parenthetical date contained in section 5 of Ordinance No. (1985) 509 TC 230 which is codified as subsection 10-2072(g)(5) of the Raleigh City Code is hereby amended to read the same as the effective date of this ordinance.

Section 8. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 9. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 11. This ordinance shall become effective May 1, 1986.

Adopted: 11/19/85

Effective: 5/01/86

***REZONING Z-4-85 - CREEDMOOR ROAD - ORDINANCE 663 ZC 173 ADOPTED ON SECOND AND FINAL READING

During the November 5, 1985 Council Meeting, Ordinance 1985 663 ZC 173 was adopted which rezones property to Office and Institution-I with a 50-foot Conservation/Buffer on the west side of the property. The ordinance received 5 votes; therefore, it

would be appropriate to consider adoption of the ordinance on a second and final reading. (A copy of the ordinance was included in Council Members' Agenda packet.)

Ms. Cates indicated all Council Members have received a number of letters and phone calls, and many Council Members have attended several meetings with the people who live, work and travel this road. She indicated many of the people are generally concerned, and she feels that the people have made their feelings known clearly. She commended the citizens for their interest and being so clear and concise with their feelings. She indicated it is her opinion that there are concerns with the O&I I proposal, because there are no setback requirements, no height restrictions, no limit on the number of buildings with the exception of parking requirements, no intensity standards, just many unknowns about what can occur on an Office and Institution I zoning. She indicated numerous citizen groups have requested a Conditional Use zoning if they must accept O&I as that would give them some legal guarantees that what would happen on this property would be compatible with the neighborhood. Ms. Cates moved that the City Council delay the vote on the second reading of Ordinance 1985 663 ZC 173 until the next City Council Meeting. Her motion was seconded by Mr. Calloway. Discussion took place as to whether Ms. Cates' motion was a motion or a substitute motion, with City Attorney McCormick indicating this is an item that has already been voted on, and the item before Council today is to consider voting on the matter the second time. He indicated because the ordinance received only 5 votes, it was automatically placed on this agenda for a second reading, and no motion is necessary, but if the Council wanted to make a motion that would be fine. Mr. Walters indicated in this opinion this a highly irregular motion, and he feels that Ms. Cates' motion would have to be a substitute motion, as we have a motion on the floor. Mayor Upchurch ruled Ms. Cates' motion a substitute motion.

Mrs. Block showed Council Members her file on this case, pointing out this is the letters that she has received in the last week. She indicated when this matter was aired at public hearing she received a similar stack of letters, and it seems that there are many people who want to talk about this item and discuss it further, so she sees nothing wrong with delaying the vote until the next meeting. Ms. Cates indicated this case was sent to public hearing in January, and the Planning Commission made its report to Council on May 21 at which time the item was referred to Law and Finance Committee, where it was discussed and held until November 5. She indicated this case is almost a year old, and she feels we can afford to delay it two more weeks. She indicated she knew that there would be a new City Council seated at the next meeting. However, there are some 20 to 25 zoning cases pending in the Planning Commission that were heard by the present Council, but will be voted on by the next City Council. Therefore, she sees no problem in waiting two weeks. Mr. Walters explained the case has been around over about a year, and it is his feelings the neighborhood would like to see the property remain as it is, undeveloped. He indicated the speeches being made around the Council table bothers him as they seem to insinuate that the people who vote against the substitute motion are doing something wrong. Mayor Upchurch indicated the Chair will call for a vote unless he is overruled, and asked if there is a motion to override his decision to cut off debate. There was no motion. The substitute motion to delay this case for two weeks was put to a vote, with the results as follows: Ayes -3 (Cates, Calloway, Block); Noes - 5 (Upchurch, Walters, Babb, Congleton, Keller). The Mayor ruled the substitute motion defeated. The original motion, which is to approve Ordinance 663 ZC 173 on a second reading, was put to a vote with results as follows: Ayes - 5 (Upchurch, Walters, Babb, Congleton, Keller); Noes - 3 (Cates, Calloway, Block). The Mayor ruled the motion passed and the ordinance adopted on the final reading.

REQUESTS AND PETITIONS OF CITIZENS

***PA-107-85 - WELLINGTON WOODS VILLAGE APARTMENTS - APPROVAL REVISED

John Edwards, Jr., was at the meeting representing Wellington Woods Village Apartments. He indicated this project was approved on September 3, 1985 with conditions. The second condition of the approval as outlined on CR-5730 is "That if a new east/west collector street is approved to the south of this site, that the driveway be relocated so that entrances be off this new collector street and not Wake Forest Road." Mr. Edwards asked that the word "approved" be changed to "constructed". He indicated this would allow better access to Wake Forest Road until the collector street is constructed due to street improvements being constructed by the owner on Wake Forest Road. He presented maps showing the projects and briefly explained the concern. City Manager Benton indicated since it may be impractical to relocate the driveway until the collector street is actually built, the City would have no objection to amending the condition as requested. Mr. Walters moved Mr. Edwards' request be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ARTSPACE, INCORPORATED - STATUS REPORT - REFERRED TO THE DOWNTOWN COMMITTEE

Robert Zaytoun, representing Artspace, Incorporated, indicated it has been some time since Artspace has reported to the Council on its work. He indicated they have completed the first phase on construction, and the next phase is to begin in December by J. C. Edwards Company, pointing out they will be shoring up the trusses, etc.. He explained they are happy to say that they have 49 artists jurored to utilize this space. He stated they have met with the City staff as late as yesterday to review the funding agreement, and he would request that this matter be referred to the Downtown Committee to work out the terms of the agreement so that it can be brought back to the council the first meeting in December. Mr. Calloway questioned when they planned to open the facility with Mr. Zaytoun explaining if everything goes well, the

building could be opened in June. Without objection the item was referred to the Downtown Committee.

***FAYETTEVILLE STREET MALL - REQUEST TO SELL ARTWORK ON AN OCCASIONAL BASIS - DENIED: CONCEPT OF WHAT IS ALLOWED ON THE MALL - REFERRED TO THE CIVIC CENTER AUTHORITY

Linda Dunn, 4533-D Hargrove Road, was at the meeting asking that she be allowed to sell her original artworks on the Fayetteville Street Mall on Fridays and Saturdays. She stated she would like permission to put up a temporary partition or be allowed to display her paintings on a folding table.

City Manager Benton read Code Section 9-7004 relating to special events on the mall. He indicated the City has in the past issued special permits for sale of artwork on the mall only under the auspices of Artsplosure and other such events. He indicated this is a change from what we have done in the past in that this is an individual who wants to sell on the mall. He indicated if this type event is approved it must be original artwork. Brief discussion took place, after which Mrs. Block moved that the code provisions be upheld, and a special permit not issued, but that this lady be notified when we will have a special event so that she could join in. In response to questioning, Ms. Dunn indicated she would want to conduct her sales between the hours of 11 and 2 on Friday and Saturday. Mr. Calloway pointed we are trying to restore life and vitality to the mall. He pointed out this is a short time on Fridays and Saturdays and he would make a substitute motion to approve the request. His substitute motion was seconded by Ms. Babb. Mr. Walters indicated everything Mr. Calloway has said is true, but he would hate to open this up. He suggested the possibility of Ms. Dunn setting up a table within an existing store. Ms. Babb indicated she sympathizes with the request, but she does see problems. She stated she would like for the next City Council to look at whether or not our restrictions on what can occur on the mall are too tight explaining she feels they are. She stated it is her hope that the next City Council can go back and look at what we do allow to happen on the mall and maybe loosen the restrictions some, as she feels maybe we should have a provision for arts and crafts to be sold on the mall. Mayor Upchurch indicated he was a little in the middle on this request. The substitute motion was put to a vote, which resulted in everyone voting in the negative except Ms. Babb and Mr. Calloway, who voted in the positive. The Mayor ruled the motion defeated. The original motion was put to a vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Mayor Upchurch requested that this request be referred to the Civic Center Authority as an example of the type of request the council gets, and ask the Civic Center Authority to look at this request as an example and consider the overall policy of what is allowed on the mall. Without objection this was agreed to.

***HAILEY DRIVE - BUFFER - AGREEMENT AUTHORIZED

David H. Bland, representing J. R. Adams and Company was at the meeting to request that the City enter into an agreement setting forth how the 20 foot buffer at the end of Hailey Drive may be used. He presented a map showing Hailey Drive, which had the 20 foot easement outlined in blue, a driveway that encroaches on the buffer in green, and a water line easement in yellow. He indicated everything has been constructed and a certificate of occupancy has been issued. He explained his client is in the process of getting a permanent loan, and they had to present a survey to the lender. He explained the surveyor came up with the 20 foot easement that was applied on the property at the November 6, 1972 Council meeting and related to the rezoning of this property. He explained also in 1972 the Haileys recorded a map showing the 20 foot easement. He explained the financial institution wants to know what the easement is for and his client could not tell them. He suggested that the present owner be allowed to enter into an agreement with the City setting forth that the driveway and water line will stay, and they will maintain the property as a buffer according to the proposal.

Mrs. Block pointed out the Hailey Drive cul-de-sac has never been built, and it would seem to her that it should be built. She pointed out the map says the land has been dedicated to the City, and she feels the cul-de-sac should be built, as the turn around is needed. City Manager Benton indicated there are two issues: One is when the cul-de-sac should be built. He indicated the cul-de-sac has nothing to do with this particular property. He stated the other question is the one being addressed by Attorney Bland, and that relates to a requirement placed on the subdivision. He explained the driveway does go into the buffer area. City Attorney McCormick indicated the 1972 requirement is extremely vague. He pointed out Attorney Bland has prepared an agreement that is satisfactory to him, pointing out the agreement indicates that the water line and the drive way will remain where it is and that his client will be willing to maintain the buffer, plant it, etc.. Mrs. Block moved approval of the City entering into the agreement. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***WATER BILL - 104 SOUTH PETTIGREW STREET - REFERRED TO PUBLIC WORKS COMMITTEE

Taritha P. Middleton, 104 South Pettigrew Street was at the meeting to request an adjustment in the water bill at that address. She explained in detail times and dates that she was out of town and out of state in the month in which she received a $160.30 water bill. She also went through her efforts in trying to obtain a plumber when she returned home and found the problem. She explained this was over the Labor Day Weekend. She explained a plumber came out and fixed a leaky commode, however, it

continued to run. She indicated when she called the City about the first bill, she was told that an adjustment could be made. When she got to the City, she was told that no adjust could be made. Mayor Upchurch briefly explained the water adjustment policy. City Manager Benton explained there was a significant change in the amount of the bill in the three month period. The August bill was $160, September $42, and previous bills were $10.63 average. He indicated it is the duty of the property owner to ascertain the nature of the leak and in this case, it was a leaking commode. Mr. Walters agreed, but pointed out Ms. Middleton was not treated fair by the plumber. He indicated he knew that wasn't the City's problem, but she has had an extremely hard time in getting this straightened out. Mrs. Block moved that this matter be referred to Administration to determine a recommendation as to whether or not the sewer fee might be deductible, and if that isn't acceptable, then bring this back to the new Public Works Committee. Her motion was seconded by Ms. Cates. Ms. Cates questioned if the City continues to hang a leaflet on the door when the City notices a reading is out of line. She pointed out this is the first notice that many people have. She pointed out in her opinion it is extremely important that we do carry out this practice. City Manager Benton indicated the notification isn't when the water meter is read, but as soon as the City finds out that a reading is out of line, then someone does go back and places a leaflet on the door. Ms. Middleton indicated she did not have a leaflet on her door. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***SANDERFORD ROAD - PARK NEEDS - NO ACTION TAKEN

Attorney Sam Johnson, representing the estate of Maude D. Inscoe, had requested permission to address the City concerning the Sanderford Road Area. Attorney Johnson could not be at the meeting. City Manager Benton indicated the Inscoe estate owns some 40 acres adjacent to the Idlewood subdivision in the Sanderford area. He indicated the property may be developed in the next year, and Attorney Johnson would like to determine if the City has any park needs in that area. City Manager Benton indicated at the present time, based on the Park Acquisition Program that has been approved by the Council, there will nothing in this area that would require acquisition. Without comment the Council agreed not to pursue the matter.

UNFIT BUILTINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

***STREET CONSTRUCTION - CLARENDON CRESCENT - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider construction of a street, known as the extension of Clarendon Crescent, 31 feet back-to-back with installation of curbs, gutters, drains, and sidewalks on one side; said street to be south of New Bern Avenue and extend approximately 350 feet with assessment to apply. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing to the public.

John Nader, 2336 New Bern Avenue was at the meeting representing the East Raleigh CAC. He indicated 16 people attended a meeting of the CAC in which this matter was discussed, and voted unanimously to support the extension. He indicated the CAC also requests the installation of a traffic light at this new intersection. Mr. Nader indicated as a private citizen, he would like to support the need for a traffic light, pointing out he knows that that is a separate matter, but he feels it should be considered.

No one else asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the project as advertised. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION (1985) 7

A RESOLUTION DIRECTING THAT STREET IMPROVEMENTS DESCRIBED HEREIN BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that street improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Construction of a street known as the extension of Clarendon Crescent, 31 feet back to back with installation of curbs, gutters, drains, and sidewalks on one side; said street to be south of New Bern Avenue and extend approximately 350 feet.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280 (i.e. one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: November 19. 1985

Later in the Meeting, Mayor Upchurch indicated he had received a request to allow someone to speak on this matter. He stated action has been taken but would hear the comments. A representative of Clarendon Oaks Development indicated they are not pleased with the action. She explained they fear it will open their complex to through traffic. She indicated the do not need the additional access on to Clarendon Crescent. She explained their development will add only 50 cars and she didn't feel the City was interested in building a street for these cars. No other action was taken.

***PU-1985-20 - WINTHROP DRIVE AREA - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 1,824 feet of 8-inch sewer main beginning at an existing manhole just east of Winthrop Drive continuing eastward within an easement to just beyond Carlton Drive with assessment on the per lot basis to apply (PU-1985-20). Chief Engineer Thomas explained the proposal. The Mayor opened the hearing to the public. No one asked to be heard, thus the meeting was closed. Mrs. Block moved adoption of a resolution directing the project as advertised. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. (See Resolution 8)

***PU-1985-22 - PONDEROSA/LEESVILLE ROADS AREA - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 1,550 feet of 8-inch sewer main beginning at the intersection of Ponderosa and Leesville Roads continuing westward in the right-of- way of Leesville Road to Winthrop Drive, with assessment on the per lot basis to apply (PU-1985-22). Public Utilities Director Simmons explained the proposal. Mayor Upchurch opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of a resolution directing the project as advertised. Her motion was seconded by Mr. Walters, and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. (See Resolution 8)

***PU-1985-23 - WINTHROP DRIVE AREA - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 1,330 of 8-inch sewer main beginning at an existing manhole in Winthrop Drive continuing south approximately 340 feet and eastward within an easement to Carlton Drive and also 300 feet in Sleepy Hollow drive with assessment on the per lot basis to apply (PU-1985-23). Public Utilities Director Simmons explained the proposal. The mayor opened the hearing. Woody Yonts was at the meeting representing Mr. Calton, the developer in this area, pointing out the name of the street should be Calton Drive rather than Carlton Drive. Without objection this correction was made. No one else asked to be heard, thus the meeting was closed. Ms. Cates moved adoption of a resolution directing the project as advertised. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. (See Resolution 8)

***PU-1985-24 - US 70 WEST - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 4,500 feet of 16 water main beginning at the intersection of US 70 and Airport Road continuing northwestward to Mount Herman Road and continuing south on the right-of-way of Mount Herman Road with assessment on the per frontage basis (PU-1985-24). (This project is outside the City Limits.) Public Utilities Director Simmons explained the proposal. The Mayor opened the hearing to the public.

E. M. Estes, Rt. 1, Morrisville, indicated his property is about ¼ west of the airport turnoff. He indicated he was not protesting the project, but is just interested in knowing the plan. He indicated he did not need water, but is concerned about the charge of running a 16-inch water line across 13-1400 feet of his property. City Manager Benton explained the proposal pointing out this is part of the project to extend utilities to the newly annexed area. He indicated this property is outside the City Limits, therefore would not be assessed until such time as a property owner hooks onto the line or is annexed. Public Utilities Director Simmons indicated even

when this property is assessed, the property owners will be assessed for a 6-inch line only. Mr. Estes questioned if persons on both sides of the road would be assessed with Mr. Simmons indicating that is correct, and water would be available to property owners on both sides of the road. Mr. Estes questioned if this would affect the taxation of the property with City Manager Benton indicating he did not know pointing out the County makes that determination. In response to questions, Mayor Upchurch indicated any property owner would have be given a 12 month notice of intent before any annexation could occur.

No one else asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of a resolution directing the project as advertised. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The mayor ruled the motion adopted.

RESOLUTION NO. (1985) 8

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED TO AND ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1985-21 - Installation of approximately 1,824 feet of eight-inch sewer main beginning at an existing manhole just east of Winthrop Drive, continuing eastward within an easement to just beyond Calton Drive with Assessment on the per lot basis to apply.

PU 1985-22 - Installation of approximately 1,550 feet of eight-inch sewer main beginning at the intersection of Ponderosa and Leesville Roads, continuing westward in the right-of-way of Leesville Road to Winthrop Drive with assessment on per lot basis to apply.

PU 1985-23 - Installation of approximately 1,330 feet of eight-inch sewer main beginning at an existing manhole Winthrop Drive, continuing south approximately 340 feet and eastward within an easement to Carlton Drive and 300 feet in Sleepy Hollow Drive with assessment on per lot basis to apply.

PU-1985-24 - Installation of approximately 4,500 feet of sixteen-inch water main beginning at the intersection of US 70 and Airport Road, continuing northwestward to Mount Herman Road and continuing south in the right-of way of Mount Herman Road with assessment on per frontage basis to apply (project is outside City limits).

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following Method: See above.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: November 19, 1985

***ASSESSMENT ROLL 698 - GROVE AVENUE - HEARING - CHARGES CONFIRMED

This was a hearing to consider confirming costs for street improvements on Grove Avenue according to charges outlined on Paving Assessment Roll 698, adopted by Resolution 1985-973, on October 15, 1985. Public Utilities Director Simmons explained the work that has been completed. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of a resolution confirming the charges as outlined. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 9

A RESOLUTION CONFIRMING SPECIAL PAVING ASSESSMENT ROLL 698

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 19th day of November, 1985, at the time and placed fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985-973 adopted on the 15 day of October, 1985, which assessments appear on "The City of Raleigh Special Paving Assessment Roll 698," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or of any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A OF THE General Statutes of North Carolina, such property owner shall have the option and privelege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: November 19, 1985

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch indicated the Planning Commission Consent Agenda would be handled in the same manner as the regular Consent Agenda. The following items were withdrawn from the consent agenda. Keller - CR-5883 (S-196-85); Congleton - CR-5875 (PA-109-85) and CR-5881 (S-193-85); Cates - CR-5898 (S-188-85), CR-5899 (S-198-85), CR-5902 (CP-10-85) and CR-5903 (CP-12-85). City Manager Benton indicated CR-5895 (S-186-85) should be pulled and referred back to the Planning Commission as it should not have been on this agenda. Without objection those items were pulled. Ms. Cates moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the consent agenda were as follows:

***REZONING Z-75-85 - CROSS LINK ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 8.6 acres from Residential-4 to Residential-10.

CR-5872 from the Planning Commission recommended that Z-75-85 be approved as amended; that is, that Z-75-85 be rezoned to Residential-10 with a ten-foot Conservation/Buffer along the northern, eastern, and western property lines. Consent Agenda approval Cates/Babb - 8 ayes. (See Ordinance 676-ZC-174)

***SUBDIVISION S-150-85 (PA-134-85) - HAMILTON RIDGE - APPROVED

This was a request for approval to subdivide a .20-acre parcel by dedication of an additional fifteen feet right-of-way along Creedmoor Road in conjunction with a request for approval of 178 residential units. Street improvements are to include one-half of the 65-foot back-to-back along the Creedmoor Road frontage.

The property is located on Creedmoor Road between Shelley Road and U.S. 70, outside the City Limits.

CR-5874 from the Planning Commission recommended that this request be approved according to a map entitled, "Hamilton Ridge," drawn by John A. Edwards and Company, dated October 10, 1985, owned by McGuire Properties. Consent Agenda Approval Cates/Babb - 8 ayes.

***PA-134-85 (S-150-85) - HAMILTON RIDGE - APPROVED WITH CONDITION

This was a request for approval of 178 residential units in fifteen buildings on 17.78 acres, zoned Residential-4, Residential-10, and Conservation/Buffer, connecting to City utilities. Two-hundredths of an acre is requested to be transferred from Conservation/Buffer to Residential-10. Street improvements are to include one-half of the 65-foot back-to-back along the Creedmoor Road frontage.

The property is located on Creedmoor Road between Shelley Road and U.S. 70, outside the City Limits.

CR-5857 from the Planning Commission recommended that this request be approved according to a map entitled, "Hamilton Ridge," drawn by John A. Edwards and Company, dated October 10, 1985, owned by McGuire Properties, with the condition that the approved site plan is recorded with the indication that density has been transferred from the Conservation/Buffer district prior to issuance of building permits. Consent Agenda approval Cates/Babb - 8 ayes.

***PA-110-85 - EAST MARTIN STREET SHOPPING PLAZA - APPROVED

This was a request for approval to construct a 6,828 square foot building addition for retail use on 0.67 acre, zoned Neighborhood Business to an existing 1,600 square foot building.

The property is located on the northwest corner of the intersection of East Martin Street and Camden Street, inside the City Limits.

CR-5854 From the Planning Commission recommended that this request by approved according to a map drawn by Charles L. Exum, Dated August 1, 1985, owned by Charles L. Exum. Consent Agenda approval Cates/Babb - 8 ayes.

***PA-132-85 - SNOW AVENUE PARKING LOT - APPROVED WITH CONDITIONS

This was a request for approval to construct a fifteen-space parking lot on a 6,754 square foot lot, zoned Buffer Commercial.

The property is located at the southeast corner of the intersection of West Morgan Street and Snow Avenue, inside the City Limits.

CR-5841 from the Planning Commission recommended that this request be approved according to a map drawn by Glenn Engelke, dated August 28, 1985, owned by Patricia Engelke, with the following conditions: (1) That a ten-foot sanitary sewer easement be recorded at the southern property line of lots 15 and 16 prior to issuance of building permits; (2) that since there is not cross-access agreement between lots 15 and 16, that tire stops be placed at each parking space and along the entire eastern property line of the parking lot two feet from the property line; (3) that additional landscaping of low growing bushes and crepe myrtles (six feet tall) be located in buffers between the property line and parking on Morgan Street near the corner with Snow Avenue. Consent agenda approval Cates/Babb - 8 ayes.

***PA-136-85 SUPER LUBE - APPROVED

This was request for approval to construct a 2,280 square foot and a 2,688 square foot building, both for automotive service, on a 0.52-acre parcel, zoned Neighborhood Business.

The property is located at the southeast corner of the intersection of Old Wake Forest Road and Honeysuckle Road, outside the City Limits.

CR-5844 from the Planning Commission recommended that this request be approved according to a map drawn by C. Lawrence Varghan, III, Dated August 30, 1985, owned by Richard Brown. Consent Agenda approval Cates/Babb - 8 ayes.

***SC-243-85 - PLAZA WEST SIGN CRITERIA - APPROVED WITH CONDITION

This was a request for approval of a sign criteria for a previously approved shopping center. The site is zoned Shopping Center.

The property is located at the corner of Western Boulevard and Jones Franklin Road, inside the City Limits.

CR-5876 from the Planning Commission recommended that this request be approved according to a map dated November 5, 1985, drawn by Envirotek, owned by Davidson and Jones Development Company, with the condition that logos used by major tenants and outparcels be restricted to a maximum size of four feet by four feet. Note: This item had been previously deferred by the Planning Commission (7/09/84). Consent Agenda approval Cates/Babb - 8 ayes.

***S-149-85 - JULIAN G. GODWIN, III, AND WIFE, NANCY, PROPERTY - APPROVED WITH CONDITION

This was a request for approval to subdivide a 12,500 square foot parcel, zoned Residential-10 into two lots. One lot will house an existing structure.

The property is located on the west side of Dixie Trail, between Hillsborough and Clark Streets.

CR-5877 from the Planning Commission recommended that this request be approved according to a map entitled, "Subdivision of the East Portion of Lot 13 of the R. E. Atkins Property," dated November 5, 1985, drawn by Land Surveyors, Apex, North Carolina, owned by Julian G. Godwin, III, and Nancy H., with the condition that the payment in lieu of street improvements on Dixie Trail be approved by the City prior to recording plats. Consent Agenda approval Cates/Babb - 8 ayes.

***S-187-85 - ATHENS DRIVE TOWNHOUSES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 1.22-acre tract, zoned Residential-6, into one lot for an existing dwelling and three townhouse lots.

The property is located at the southwest corner of the intersection of Athens Drive and the Beltline, inside the City Limits.

CR-5878 from the Planning Commission recommended that this request be approved according to a map entitled, "Preliminary Plan, Athens Drive Townhouses," drawn by Chance/Cory Associates, dated October 15, 1985, owned by Ralph R. Hailey, with the following conditions: (1) That the cross-access for the townhouse units be reviewed and approved by the City Attorney's Office prior to the recording of the plats; and (2) that party wall agreements for the townhouses be reviewed and approved by the City Attorney's Office prior to recording plats. Consent Agenda approval Cates/Babb - 8 ayes.

***S-190-85 - PROVIDENCE SQUARE - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and develop 90 condominium units on a 10.8-acre tract, zoned Residential-10.

The property is located on the south side of Strickland Road, west and adjacent to Towne North Shopping Center, outside the City Limits.

CR-5879 from the Planning Commission recommended that this request be approved according to a map entitled "Providence Square," revised November 3, 1985, owned by Plaza Associates, with the following conditions: (1) That a subdivision plat involving street dedications and improvements on Brennan Drive from the eastern boundary (common with Towne North Shopping Center) to Creedmoor Road be approved by the City prior to utility connections or recording plats; and (2) that an agreement concerning operation of the proposed pump station be approved prior to issuance of building permits. Consent Agenda approval Cates/Babb - 8 ayes.

***S-192-85 - OAK PARK SUBDIVISION, LOTS A-F - APPROVED WITH CONDITION

This was a request for approval to subdivide a 4.276-acre tract, zoned Residential-4, into six lots.

The property is located on the east side of Oak Park Road, just east of Connell Drive, inside the City Limits.

CR-5880 from the Planning Commission recommended that this request be approved according to a map entitled, "Oak Park Subdivision, Lots A-F," drawn by John Phelps, RLS, Dated October 1, 1985, owned by Clifford C. Quick, with the condition that the dedication of greenway easements, as shown on the plan, be accepted by the City. Consent Agenda approval Cates/Babb - 8 ayes.

***S-195-85 - JACKSON PROPERTY - APPROVED

This was a request for approval to subdivide a .93-acre tract, zoned Residential-4, into two lots.

The property is located on the north side of Eden Croft Drive, adjacent to Glen Eden Pilot Park, inside the City Limits.

CR-5882 from the Planning Commission recommended that this request be approved according to a map entitled, "Subdivision for Don F. And Huldah T. Jackson," drawn by Triangle Engineering, dated September 30, 1985, owned by Don F. and Huldah T. Jackson. consent Agenda approval Cates/Babb - 8 ayes.

***PA-137-85 - WILLARD PLACE RENOVATIONS - APPROVED

This was a request for approval to convert two residential dwellings, each on a separate lot, being 0.2 acre in size and zoned Office and Institution-I, into office use.

The property is located on the north side of Willard Place, between Boylan Avenue and Glenwood Avenue, inside the City Limits.

CR-5884 from the Planning Commission recommended that this request be approved according to a map drawn by Clearscapes Architecture, dated September 26, 1985, owned by Easterly Properties, as it conforms to all City policies, requirements and standards. Consent Agenda approval Cates/Babb - 8 ayes.

***PA-138-85 - METHODIST HOME FOR CHILDREN ADMINISTRATION BUILDING - APPROVED WITH CONDITION

This was a request for approval to construct a 11,013 square foot building on 4.3 acres, zoned Office and Institution-I. Existing buildings on the site are to be removed.

The property is located on the north side of Washington Street, between Glenwood Avenue and St. Mary's Street, inside the City Limits.

CR-5885 from the Planning Commission recommended that this request be approved according to a map dated October 14, 1985, drawn by F. Carter Williams, owned by Methodist Home for Children, with the condition that the lot which the project covers be recorded by a map with the Wake County Register of Deeds, according to the previously approved subdivision (S-94-80) prior to issuance of building permits. Consent Agenda approval Cates/Babb - 8 ayes.

***PA-139-85 - OWENS OFFICE BUILDING - APPROVED

This was a request for approval to construct a 8,000 square foot, two-story office building on .57 acre, zoned Office and Institution-I. The site is currently being used as a parking lot.

The property is located at the southwest corner of Logger Court and Falls of Neuse Road, inside the City Limits.

CR-5886 from the Planning Commission recommended that this request be approved according to a map entitled, "Owens Office Building," the property of William Owens, drawn by LaMarr Bunn and Associates, P.A., dated October 30, 1985. Consent Agenda approval Cates/Babb - 8 ayes.

***SC-49-85 - LONGVIEW SHOPPING CENTER ADDITION - APPROVED

This was a request for approval of a 3,800 square foot addition to the existing True Value Home Center, zoned Shopping Center, connected to City utilities.

The property is located on New Bern Avenue at the intersection of King Charles Road, inside the City Limits.

CR-5887 from the Planning Commission recommended that this request be approved according to a map dated October 15, 1985, drawn by Chris Woody, owned by Kerbby Partnership, as it conforms to all City policies, requirements and standards. Consent Agenda approval Cates/Babb - 8 ayes.

***SC-50-85 - FAT DADDY'S MARKET AND GRILL - APPROVED WITH CONDITIONS

This was a request for approval to renovate an existing structure to be used as a restaurant on a 1.3-acre tract, zoned Shopping Center, on City utilities.

The property is located on Sandy Forks Road, near the intersection of Falls of Neuse Road, inside the City Limits.

CR-5888 from the Planning Commission recommended that this request be approved according to a map dated October 29, 1985, drawn by McNeely Associates, owned by Thad Eure, with the following conditions: (1) That no freestanding sign will be allowed unless approved separately by the City Council; and (2) that wall signage is reduced to a maximum of 292 square feet. Consent Agenda approval Cates/Babb - 8 ayes.

***SC-51-85 - NORTH RIDGE SHOPPING CENTER ADDITION - APPROVED

This was a request for approval of a 1,983 square foot addition to the existing 9,600 square foot Spa Health Club, zoned Shopping Center, connected to City utilities.

The property is located on Falls of Neuse Road at Spring Forest Road, inside the City Limits.

CR-5889 from the Planning Commission recommended that this request be approved according to a map dated February 17, 1981, drawn by Castleberry-Edgerton Company, owned by North Hills, Inc., as it conforms to all City policies, requirements and standards. Consent agenda approval Cates/Babb - 8 ayes.

***SC-37-85 - CITY MARKET PROJECT - APPROVED

This was a request for approval to rehabilitate 11 buildings and construct three buildings on 15 lots for 54,745 square feet of new restaurant and retail space and 17,680 square feet of new upper-floor office space. The block is split by three interior public streets: Wolfe, Blake, and Parham. The property is zoned Business District. The building acreage is 1.9. The total acreage for the site, with streets, is 3.2 acres.

The property is located in the Downtown East Redevelopment Area, the block bounded by South Blount, East Davie, South Person, and East Martin Streets

CR-5890 from the Planning Commission recommended that this request be approved according to the revised site plan map entitled, "City Market - Raleigh, North Carolina," prepared for City Market Associates by Landmarks Design Associates, dated October 31, 1985, and according to the letter from Mr. Ellis Schmidlapp, President, Landmarks Design Associates, dated October 31, 1985. It is understood that this approval does not supersede the requirements of the Old City Market Redevelopment Plan or other actions ordinarily required of the City Council pertaining to existing ordinances, codes and policies. Consent Agenda approval Cates/Babb - 8 ayes.

***PA-140-85 - (S-189-85) - SOMERSET PARK - APPROVED

This was a request for approval to construct four office condominium buildings with a

total of 200,000 square feet (50,000 per building) on 17.48 acres, zoned Office and Institution-III. The site is currently undeveloped.

The property is located at the North west corner of the intersection of Steinbeck Drive and Bland Road, inside the City Limits.

CR-5891 From the Planning Commission recommended that this request be approved according to the map, dated October 29, 1985, drawn by RS&H of North Carolina, owned by Daniel Realty Corporation, as it conforms to all City policies, requirements and standards. Consent Agenda approval Cates/Babb - 8 ayes.

***S-189-85 - (PA-140-85) - SOMERSET PARK - APPROVED

This was a request for approval to construct four office condominium buildings with a total of 200,000 square feet (50,000 per building) on 17.48 acres, zoned Office and Institution-III. The site is currently undeveloped.

The property is located at the North west corner of the intersection of Steinbeck Drive and Bland Road, inside the City Limits.

CR-5892 From the Planning Commission recommended that this request be approved according to the map, dated October 29, 1985, drawn by RS&H of North Carolina, owned by Daniel Realty Corporation, as it conforms to all City policies, requirements and standards. Consent Agenda approval Cates/Babb - 8 ayes.

***PA-142-85 - (S-197-85) - NEW BERN RIDGE PROFESSIONAL CENTER CONDOMINIUMS - APPROVED WITH CONDITION

This was a request for approval to subdivide a 1.63-acre parcel, zoned Office and Institution-II, into two lots and to construct, as previously approved (PA-55-85), one building on each lot. Lot 1 is to contain a 4,560 square foot, one-story building. Lot 2 is to contain a 16,240 square foot, three-story building.

The property is located on the southwest corner of New Bern Avenue and Luther Road, inside the City Limits.

CR-5893 from the Planning Commission recommended that this request be approved according to a map, dated October 18, 1985, drawn by Envirotek, Incorporated, owned by the Fletcher Group, with the condition that cross-access and parking requirements be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent agenda approval Cates/Babb - 8 ayes.

***S-197-85 - (PA-142-85) - NEW BERN RIDGE PROFESSIONAL CENTER CONDOMINIUMS - APPROVED WITH CONDITION

This was a request for approval to subdivide a 1.63-acre parcel, zoned Office and Institution-II, into two lots. A site plan, (PA-142-85) has been previously approved to allow one on each of the proposed lots.

The property is located on the southwest corner of New Bern Avenue and Luther Road, inside the City Limits.

CR-5894 from the Planning Commission recommended that this request be approved according to a map, dated October 18, 1985, drawn by Envirotek, Incorporated, owned by the Fletcher Group, with the condition that cross-access and parking agreement be reviewed and approved by the City Attorney's Office prior to the recording of the final plat. Consent agenda approval Cates/Babb - 8 ayes.

***PA-141-85 - AIRPORT ASSEMBLAGE - APPROVED

This was a request to approve a Master Plan for approximately 1,700 acres included in the recently approved Z-106-85, Thoroughfare District Conditional Use. A condition of the rezoning is that the applicant submit a Master Plan for City Council approval.

The property is located on US 70 West, south side, between Airport Road and the Durham County Line, inside the City Limits.

CR-5897 from the Planning Commission recommended that this request be approved according to a map entitled, "Airport Assemblage, Master Plan, Land Use, Open Space, Utilities and Roads," dated October 31, 1985, drawn by Hager, Smith and Huffman, Architects, owned by Airport Assemblage, Limited, of the Master Plan as it meets the conditions of Z-106-85. Consent Agenda approval Cates/ Babb - 8 ayes..

***S-191-85 - HARGETT EAST TOWNHOMES - APPROVED WITH CONDITIONS

The property is located on East Hargett Street between South East Street and Swain Street, inside the City Limits.

This is a request for approval to construct 37 townhomes on a 1.34 acre site, zoned Residential-30, connecting to City utilities. Variances to the Group Housing Standards are requested to the following sections:

(1) Section 10-2075 (b)(2) "Each dwelling for the full length of its facade, and an entrance to each dwelling unit, must front either on a public street; and open court, as defined herein; or a private driveway." Six units are in violation of

this section of the Code; however, orderly, visible, and safe access to each dwelling unit is provided;

(2) Section 10-2075 (d)(3)(a) "For yards exclusive of those on the project perimeter, each wall of every dwelling shall have a minimum yard space in the shape of an imaginary isosceles triangle..."

One violation to this section is shown on the site plan. The required yard space is 20 feet; 9 feet is shown;

(3) Section 10-2075(d)(3)(c) "Automobile parking space and drives occupying yard space shall not be located closer than fifteen feet to the front, rear, or side face of any dwelling except That where a patio, deck, or extension of outdoor living space is located along any side of a dwelling unit, the side shall not be located closer than thirty feet to automobile parking space or drives."

The side face of four units are setback a minimum of 4 feet from the parking area. Other units are setback a minimum of 7 feet from the parking area. Landscaped areas are located between parking and dwelling units.

CR-5904 from the Planning Commission recommended approval of this plan according to a map dated 11/1/85, drawn by JERA, Inc., owned by Planned Properties, Inc. Consent Agenda approval Cates/Babb - 8 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

***PA-109-85 - MILLBROOK MANOR - APPROVED

This was a request for approval to construct 104 apartment units in five buildings on 4.21 undeveloped acres, zoned Office and Institution-I. The property is located on the Northwest corner, at the intersection of Millbrook Road and Old Wake Forest Road, outside the City Limits.

CR-5875 from the Planning Commission recommended that this request must be approved according to a map entitled, "Millbrook Manor," the property of Hoyle Drive Associates, Drawn by Priest Craven Associates, dated October 17, 1985.

Mr. Congleton indicated he pulled this from the Consent Agenda pointing out it is a number of residential units on O&I zoned property questioning if the new rule on residential density in O&I property is not in effect. Planning Director Chapman indicated this came under the old O&I zoning requirements. Mr. Congleton asked if there are other plans that came in under the old O&I requirement with Mr. Chapman indicating possibly, but not that many. Mr. Congleton moved approval of the Planning Commission's recommendation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***S-196-85 - MCGEE PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 22.5-acre tract, zoned Institutional-I, Residential-4, and Conservation/Buffer, into 11 lots.

The property is located on the west side of U.S. 1, across from the Trawick Road intersection, inside the City Limits.

CR-5883 from the Planning Commission recommended that this request be approved according to a map entitled, "McGee Property," dated November 5, 1985, owned by Joe McGee, with the following conditions: (1) That the area designated as floodway be reserved for the Capital Area Greenway; (2) that any fees and/or assessments due or utility services be paid in full prior to recording plats; and, (3) that a cross-access agreement for Lot 1 to Huntleigh Drive be recorded prior to recording plats.

Mr. Keller explained he pulled this from the Consent Agenda questioning if this plan is compatible with the extension of Trawick road with Mr. Chapman explaining the extension of Trawick Road across US 1 North. Mr. Keller moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members in the affirmative. The Mayor ruled the motion adopted.

***S-193-85 - BROOK PARK SUBDIVISION - TO BE PLACED ON DECEMBER 3, 1985 AGENDA

This was a request for approval to subdivide a 7.8-acre tract, zoned Residential-4, into 17 lots.

The property is located on the north side of Northbook Drive, just of Brooks Elementary School, inside the City Limits.

CR-5881 from the Planning Commission recommended that this request be approved according to a map entitled, "Preliminary Plan, Brook Park Subdivision," drawn by Robert T. Newcomb, III, RLS, dated September, 1985, owned by Robert T. Newcomb, III, RLS.

Planning Director Chapman explained the proposal. Mr. Congleton indicated this is a fairly low area and he has some questions about the development. He indicated he would like to hold this and make it a special item on the December 3 Agenda for consideration at that time. Without objection, it was agreed to place the Subdivision on the December 3 Agenda.

***S-188-85 - PENNYHILL PARK - APPROVED WITH CONDITIONS
S-198-85 - NORTHPOINTE - APPROVED WITH CONDITIONS
CP-10-85 - COLLECTOR STREET AMENDMENT PLAN - APPROVED AS AMENDED - RESOLUTION ADOPTED
CP-12-85 - COLLECTOR STREET AMENDMENT PLAN - PUBLIC HEARING AUTHORIZED

S-188-85 was a request for approval to subdivide a 53.85-acre tract, zoned Rural Residential, into 20 lots. The site is presently undeveloped.

The property is located between Cold Springs Road and Bournemouth Drive on the north side of Strickland Road, outside the City Limits.

CR-5898 from the Planning Commission recommended that this request be approved according to a map, dated October 18, 1985, drawn by Penny Green and Associates, owned by Kenneth Boisseau, with the following conditions: (1) That the Comprehensive Plan amendment (CP-10-85) removing Cold Springs Drive from the collector street plan, be approved; and (2) that no lots be recorded until Wake County Health Department approves individual septic tanks and wells.

S-198-85 was a request for approval to subdivide a 327.5-acre tract, zoned Rural Residential, into 140 lots. The site is presently undeveloped.

The property is located on the south side of Mount Vernon Church Road, east of Six Forks Road, outside the City Limits.

CR-5899 from the Planning Commission recommended that this request be approved according to a map, dated November 6, 1985, drawn by Envirotek, Inc., owned by Little-Jones Development Company, with the following conditions:

(1) That the floodplains around the existing and proposed lakes on the site be delineated and the corresponding secondary watercourse buffer areas be shown for lakes and all other water courses prior to recording any lots;

(2) That CP-10-85 be approved by City Council, and that the 60-foot collector street shown on the eastern property line be relocated to more accurately correspond to the collector street location as shown on Comprehensive Plan Amendment CP-10-85 and full improvements be made on the street;

(3) That an area be reserved or dedicated along Honeycutt Creek for the Capital Area Greenway as noted on the site plan;

(4) That a variance be granted to Section 10-3041(a) ("All proposed streets shall provide satisfactory alignment for continuation of existing planned or platted streets with which they are to connect"), to eliminate the requirement to extend Danube Drive. As a substitute to Danube Drive, Carpathian Way must be extended in the Sutton Estates Subdivision to Greyton Drive. Prior to recording of any lots in S-198-85, a preliminary subdivision must be approved for extension of Carpathian Way, in Sutton Estates, to Greyton Drive and be dedicated;

(5) That a variance be granted by the City Council, for the length of a 5,000 foot private drive, with the provision of a secondary entrance, as shown on the plans, along Durant Road, or if the collector street is relocated as per CP-10-85, from this collector street;

(6) That the right-of-way dedication for the Northern Wake Expressway be accepted by City Council; and,

(7) That the documents for the homeowners association be approved by the City Attorney's Office and recorded prior to any recording of lots.

CP-10-85 relates to property located north of Strickland Road, and is a proposed collector street amendment plan.

CR-5902 from the Planning Commission recommended that CP-10-85 be approved as amended; that is, to totally delete Cold Springs Road and Danube Street from the Collector Street Plan. There will be no collector street connecting Strickland Road and Mount Vernon Church Road in this vicinity.

CP-12-85 also relates to property located north of Strickland Road.

CR-5903 from the Planning Commission recommends that the City Council authorize a hearing on an additional Collector Street plan amendment, to delete Carpathian Way, Tayloe Court and Bournemouth Drive.

Ms. Cates indicated she withdrew these four items from the Consent Agenda indicating she has questions about the collector street plan amendments and proposed amendments and feel that they relate to the two subdivisions. Planning Director Chapman explained the location of the two subdivisions as well as the Planning Commission's recommendations. Planning Commission Chairman McNeely indicated the only discussion about the two subdivisions related to the comprehensive plan amendment as well as the proposed amendment being recommended by the Planning Commission. Ms. Cates explained she has concerns about roads in the watershed area as she does not feel we should have too many roads, but she wants to make sure we have enough roads in the area, with Mr. McNeely indicating, the Planning Commission felt that the roads in the development would take care of the traffic needs in the area. Ms. Cates pointed out at the public hearing when there was discussion about removing the street from the

collector street plan and there were alternatives suggested. She indicated to move a street from one tract of land and put it on another tract on land in her opinion is debatable. She explains private streets do not guarantee public access. She stated she would like to have these four items go to Administration to look at where the streets will go in this area and let Administration come back with an appraisal as to whether or not we have adequate public streets in the area. She stated if we do have enough streets, that is fine. But if not, Administration should give the council a recommendation as to where the streets should go.

Mrs. Block pointed out we are talking about a public street through a subdivision, with Ms. Cates questioning if the streets could be closed off by the developer. Mr. Congleton indicated he generally feels comfortable with these recommendations. He indicated in this particular area with our new policies in place, size of lots, and density of development he feels the need for the collector street network isn't as necessary. He indicated these proposals help eliminate unnecessary roads in this area. Ms. Babb indicated there was a fairly thorough discussion on these issues in the Comprehensive Planning Committee, and recommendations were made from staff at that time. Ms. Cates explained she understood that and remembered the discussions, but that was before the public hearing. She stated she does not have any problems as to whether they are collector streets or standard streets, she just wants to make sure we have enough public access through this area.

A brief discussion took place with Mrs. Block pointing out it seems logical that we should vote on CP-10 and CP-12 before the subdivisions are voted on.

City Manager Benton indicated he wanted to make sure that the City Council understands that with the passage of CP-10 and CP-12, if approved, the City is eliminating collector streets in this entire superblock. He indicated there will not be any collector streets running north and south through this superblock and he does have concerns about that. He stated he realized that this will be relatively low density development but explained this is an extremely large area not to have collector streets.

Mr. Congleton moved approval of CP-10-85 as recommended by the Planning Commission. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 10

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN, CP-10-85

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals, and organizations as they prepare detailed plans, programs or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official policy of the City Council concerning development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the area bounded by Strickland, Six Forks, Mount Vernon Church, Honeycutt Creek, and Falls of the Neuse Roads, revisions to the Collector Street Plan are needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

that the Collector Street Plan of the Comprehensive Plan be amended by including the Collector Street changes as shown in the attached map (Amendment number CP-10-85).

Mr. Congleton moved approval of CP-12-85 as recommended by the Planning Commission. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Ms. Cates moved approval of S-188-85 as recommended by the Planning Commission. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Ms. Cates moved approval of S-198-85 as recommended by the Planning Commission. Her motion was seconded by Mr. Walters. Mrs. Block indicated she had some problems with all of the conditions set out in CR-5899. She stated she did not have time to investigate all of the conditions, pointing out maybe this should be referred to the next City Council so that there would be ample time to investigate whether all the conditions are necessary. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted

***S-220-85 - HONEYCUTT CREEK ROAD SUBDIVISION, SCHEME B - DEFERRED UNTIL THE CONTINUATION MEETING SCHEDULED FOR NOVEMBER 21, 1985

The property is located on Honeycutt Creek Road, just north of the proposed Northern Wake Expressway in the Falls Lake Watershed Area, outside the City Limits.

This is a request for approval of a plan reflecting density transfer provisions of TC-22-85 for development conceptually approved by City Council in November 1984. As proposed, the plan indicates 123 lots on a 88.2 acre tract zoned Rural Residential.

CR-5900 from the Planning Commission recommended approval according to a map entitl-

ed, "Honeycutt Creek Road Subdivision, Scheme B," dated November 4, 1985, owned by James Clyde Copeland, with the following minimum conditions:

(a) That City Council approves TC-22-85 which provides for density transfers involving dedication of rights-of-way greater than ninety feet in width; and that this request conform to the adopted text change;

(b) That City Council extends the Secondary Reservoir Watershed Protection Area to include these properties, thereby allowing utilities to be extended north of the Northern Wake Expressway and allowing 30 percent impervious coverage on lots within the area;

(c) That City Council expressly allows the utilization of previously approved number of lots (Sutton Estates = 94, Honeycutt Creek Road = 73) in conjunction with the density transfer provisions of TC-22-85;

(d) That City Council must agree to accept responsibility for extension of utility services to these properties since, under normal circumstances, it is the responsibility of the subdivider to extend such services to his property;

(e) That as specified in CP-5-84, the City Council finds:

- Existing capacity of sewer facilities is adequate for extension,
- Extension is deemed appropriate to promote the provision of public services and facilities,
- Stormwater controls and open space maintenance provides adequate benefits for water supply,
- Annexation of the site is beneficial to the City, (Annexation petition is required);

(f) That the City Council accept the dedication of right-of-way, as shown, for the Northern Wake Expressway;

(g) That Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, and 34 are not recorded until the final decision regarding the proposed North-South Collector location in CP-10-85 is reached by the City Council.

Mr. Walters moved that consideration of this subdivision be deferred until the continuation of this meeting scheduled on November 21. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***S-221-85 - SUTTON ESTATES, SCHEME B - DEFERRED UNTIL THE CONTINUATION MEETING SCHEDULED ON NOVEMBER 21, 1985

The property is located on the east side of Six Forks Road, just north of its intersection with the proposed Northern Wake Expressway in the Falls Lake watershed area, outside the City Limits.

This is a request for approval of a plan reflecting density transfer provisions of TC-22-85 for a development conceptually approved by City Council in November, 1984. As proposed, the plan indicated 206 lots on a 122.49 acre tract zoned Rural Residential.

CR-5901 from the Planning Commission recommended approval according to a map entitled, "Sutton Estates Subdivision, Scheme B," dated November 4, 1985, owned by C. L. Benson, with the following minimum conditions:

(a) The City Council approves TC-22-85 which provides for density transfers involving dedication of rights-of-way greater than ninety feet in width and that this request conforms to the adopted text change;

(b) The City Council extends the Secondary Reservoir Watershed Protection Area to include these properties, thereby allowing utilities to be extended north of the Northern Wake Expressway and allowing 30 percent impervious coverage on lots within the area;

(c) The City Council expressly allows the utilization of previously approved number of lots (Sutton Estates = 94, Honeycutt Creek Road = 73) in conjunction with the density transfer provisions of TC-22-85;

(d) The City Council must agree to accept responsibility for extension of utility services to these properties since, under normal circumstances, it is the responsibility of the subdivider to extend such services to his property;

(e) As specified in CP-5-84, the City Council finds:

- Existing capacity of sewer facilities is adequate for extension;
- Extension is deemed appropriate to promote the provision of public services and facilities,

- Stormwater controls and open space maintenance provides adequate benefits for water supply,

- Annexation of the site is beneficial to the City, (Annexation petition is required);

(f) Lots 27 and 28, as shown on the plan submitted, may not be recorded until the Carpathian Way connection to Greyton Drive is resolved on a revised preliminary plan and dedicated or the need for such connection is alleviated by approval of S-198-85 in such form as to dedicate Danube Drive extended and recorded within S-198-85 (Northpointe Subdivision);

(g) That the City Council accept the dedication of right-of-way, as shown, for the Northern Wake Expressway.

Mr. Walters moved that consideration of this subdivision be deferred until the continuation of this meeting scheduled on November 21, 1985. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***BASEBALL TEAM - POSSIBILITY - REMOVED FROM THE AGENDA

Mr. Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Keller explained that a group of private citizens are working on this item and he would report back to the Council as progress is made. He indicated there are two major questions: (1) resolution of the proximity question, and (2) where and how a baseball field might be built in the City of Raleigh. He stated in any event, it would be coming back to the City Council. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-71-85 - WESTERN BOULEVARD - TO BE CONVERTED TO CONDITIONAL USE APPLICATION

Mr. Keller reported the Law and Finance Committee recommends that rezoning application Z-71-85 be converted to a conditional use application according to conditions outlined at the committee meeting and included in Council Members' agenda packet. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Keller pointed out the applicant indicated that if the City Council granted this conversion to conditional use, that he would request that rezoning application Z-93-85 be denied. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***GTE SPRINT TELECOMMUNICATIONS TOWER - APPLICATION WITHDRAWN

Chairman Keller reported the Law and Finance Committee recommends that this item be withdrawn from the Agenda with no action taken as the GTE Sprint has withdrawn their application for a special use permit to erect a tower on Hargett Street. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb. City Attorney McCormick indicated by accepting the withdrawal of the application, the public hearing would be closed. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***RALEIGH HOUSING AUTHORITY REPORT - ACCEPTED - TO BE CONSIDERED BY HOUSING TASK FORCE

Chairman Keller reported the Law and Finance Committee recommends that the City Council accept the report of the Raleigh Housing Authority and ask that it be considered by the Housing Task Force. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***BUSINESS LICENSE - COST OF LICENSING CERTAIN SPECIAL BUSINESSES - AMENDMENT - ORDINANCE ADOPTED.

Chairman Keller reported the Law and Finance Committee recommends establishment of an application fee of $125 to be collected at the time an application is received for a Special Business License with the understanding that the present $25 Business License fee would still be in effect.

Special Business Licenses include the following:

1. Class I - Entertainment center
2. Class II - Entertainment center
3. Dance Halls
4. Private Clubs
5. Public Clubs
6. Establishments with live entertainment but without alcoholic beverages
7. Massage Businesses
8. Massagists

On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 677

AN ORDINANCE TO AMEND CHAPTER 2 OF THE RALEIGH CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 2-2016 entitled "Application; false statement thereon," shall be amended by adding Section (c) to read as follows:

Section (c)

The following types of business shall pay a non-refundable application fee of $125.00 to off set the cost if investigations required. Upon approval these businesses shall also pay the applicable privilege license tax as specified:

1. Class One - Entertainment Centers
2. Class Two - Entertainment Centers
3. Dance Halls
4. Private Clubs
5. Public Clubs
6. Establishments with live entertainment, but without alcoholic beverages
7. Massage Businesses
8. Massagists

Section 2. This ordinance shall become effective on the date of its adoption.

Adopted: 11/19/85

Effective 11/19/85

***DREWRY HILLS GARDEN CLUB SIGN - APPROVED CONDITIONALLY

Chairman Keller reported the Law and Finance Committee recommends entering into an encroachment agreement with the Drewry Hills Garden Club to erect an entrance sign on City right-of-way subject to final plan and location approval by the Department of Transportation and as explained during the Law and Finance Committee. The Committee also recommends waiver of the insurance requirement and encroachment permit fee. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***FLOODWAYS - CONSTRUCTION OF GUARDRAILS/PARKING LOTS - POROUS TYPE PAVEMENT TO BE BE USED

Chairperson Block reported the Public Works Committee was advised the standard pavement for parking is a non-porous concrete surface and there is a matter of the subsurface water table not being totally recharged when large areas are paved. The Committee recommends that porous type pavement be used in the floodplain areas. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously.. The Mayor ruled the motion adopted.

***STREET NAME CHANGE - OLD FAYETTEVILLE ROAD - PUBLIC HEARING AUTHORIZED IF PETITION RECEIVED

Chairperson Block reported the Public Works Committee recommends, upon receipt of an application, that the procedures for changing the name of Old Fayetteville Road to J.W. Yeargin Drive begin. On behalf of the Committee, she moved the recommendation be upheld. Her moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Discussion took place with Mayor Upchurch questioning if the Committee discussed the possibility of naming some other street after Mr. Yeargin, pointing out there is already another Yeargin Road, and it is his understanding that Old Fayetteville road has been named that since 1792. Mr. Calloway pointed out the issue of Fayetteville Road being historic came up and was discussed at length. He pointed out now it goes nowhere. He indicated if it is of such historic value, he does not understand why it has fallen into such a bad state of repair, pointing out the road is not maintained. He explained the other street is Yeargin Road, and this would be J. W. Yeargin Drive. He indicated the family has shared background on Mr. Yeargin with all Council Members, and he feels it would do the City more than proud to rename the street after Mr. Yeargin. City Manager Benton indicated the City works very closely with the County and other municipalities in trying to avoid duplication of names of streets. He pointed out we do have a County-wide 911 system, and it does cause problems in terms of locating places in emergency situations. He pointed out there is a Yeargin Road in Garner, and the emergency system we have doesn't recognize corporate boundaries. Mr. Walters pointed out he does not recall the City ever changing the name of one of the original streets of the City of Raleigh. Ms. Cates pointed out she voted to send this to public hearing indicating her decision on renaming the street would be made after the public input. The motion as stated was put to a vote with results as follows: Ayes - Babb, Block, Calloway, Cates, Congleton. Noes - Upchurch, Walters, Keller. The Mayor ruled the motion adopted.

***STREET IMPROVEMENTS - OLD FAYETTEVILLE ROAD - RESOLUTION OF INTENT ADOPTED

Chairperson Block reported the Public Works Committee recommends adoption of a Resolution of Intent for street improvements on Old Fayetteville Road with normal assessment procedures to apply. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION (1985) 11

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO THE CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949 as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh, Chapter 1184, Sessions Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters and drains and paving 41 feet back to back on Old Fayetteville Road from Wilmington Street north to the existing curb and gutter, with installation of sidewalks on the west side.

Section 2. The proportion of the cost in making th aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. New sidewalk construction or extension shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, however, the Council may direct that new sidewalks be constructed or extended on one side and assessed against property abutting both sides. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 4.. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street and sidewalk improvements assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 7th day of January, 1986, in the Council Chamber of the Municipal Building, Room 201, in the City of Raleigh, North Carolina or as soon thereafter as the matter can be reached.

Adopted: 11/19/85

***HILLSBOROUGH ROW - STORMWATER PROBLEMS - REMOVED FROM THE AGENDA

Chairperson Block reported the Public Works Committee recommends removal of this item from the Agenda with no action. It is noted, if a public nuisance is created as a

result of the impounded water in the drainage area, it could be handled through the Inspections Department under Section 12-6002(11) and (13) of the Code. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passes unanimously. The Mayor ruled the motion adopted.

***Z-67-85 - US 70 WEST - REFERRED TO PUBLIC WORKS COMMITTEE TO BE HELD UNTIL MAY, 1986

Chairperson Block reported the Public Works Committee had recommended denial of rezoning application Z-67-85. She indicated the primary reason for the denial is that the Committee felt the Council should consider this after action is taken on TC-17, which relates to residential density in thoroughfare districts. Lengthy discussion took place with various Council Members indicating they felt the rezoning should be approved, but not until such time as action had been taken on TC-17. It was pointed out earlier in the day TC-17 was approved with an effective date of May 1, 1986. The possibility of approving this rezoning to be effective after TC-17 goes in to effect was discussed. City Attorney McCormick indicated there are several alternatives. The case could be denied, in which case the property would remain Industrial. The case could be approved with an effective date of May '86, however, City Attorney McCormick explained problems with this. He indicated another alternative is to hold the case until May, and if the Council wants to protect the area, he would recommend that action. Mrs. Block moved that Z-67-85 be held in Public Works Committee until after May 12, 1986. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SIDEWALK ORDINANCE - USE OF SAME MATERIAL - REFERRED TO ADMINISTRATION

Chairperson Block reported the Public Works Committee recommends that this item be referred to Administration. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TRAFFIC - NEW BERN AVENUE - MEDIAN OPENING, ACCELERATION/DECELERATION LANES - APPROVED; CLOSING OF MEDIAN - AUTHORIZED

Chairperson Block reported the Public Works Committee recommends that a median opening be located on New Bern Avenue at Dickens Drive and that acceleration/deceleration lanes be included at this intersection. The Committee further recommends that the median opening located mid-block between King William Road and Dickens Drive be closed. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway.

Mr. Walters explained the location, pointing out in his opinion this would be premature and not well thought out. He explained earlier in the meeting today the construction of Clarendon Crescent was approved, and he feels that a light should be at that location. He indicated this recommendation in his opinion is a band-aid approach. Mrs. Block indicated it is a band-aid approach, but pointed out there are 90 new housing units approved in this vicinity. She indicated anything other than a band-aid approach would be widening of New Bern Avenue, or building Crabtree Boulevard. She explained the Committee felt that the acceleration and deceleration lanes will be helpful. Ms. Cates pointed out this is subject to approval of the State DOT. Mr. Walters explained he has been trying to get some work on this area for quite some time and there are many things that need to be done, many of which he feels are much more important than changing the median. He indicated this area is a terrible accident waiting to happen. He explained nothing comes down Dickens Drive as there is only two houses, and it will be quite some time before the 90 units are constructed. He pointed out the City's Department of Transportation said that they had not received any complaints except from him. He explained the minister at the church in this area had suggested several things, such as reducing the speed, putting in a stop light at Clarendon Crescent and creating right turn in and right turn out. Mrs. Block pointed out representatives from the neighborhood were at the meeting, and there was a good assessment from the DOT on the problems. She indicated the Committee realizes this is a band-aid approach, but they feel it is a good recommendation to start solving some of the problems.

Mr. Walters made a substitute motion that the City reduce the speed limit, put in a stop light at Clarendon Crescent and create right turn in and out only at the shopping center. The substitute motion was seconded by Ms. Babb and put to a vote with results as follows: Ayes - Upchurch, Walters, Babb, Congleton. Noes - Block, Calloway, Cates, Keller. The mayor ruled the substitute motion defeated.

The original motion was put to a vote with all members voting in the affirmative except Mayor Upchurch, Mr. Walters and Mr. Congleton, who voted in the negative. The Mayor ruled the motion adopted.

***Z-65-85 - NORTH HILLS DRIVE - APPROVED AS AMENDED - ORDINANCE ADOPTED

Chairperson Block reported by split vote, the Committee recommends that the property included in this application be rezoned to Residential-10 except for Parcel 74 which is to remain Residential-4. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Mr. Calloway made a substitute motion that the property included in this application be rezoned to Residential-6 except for Parcel 74 which is to remain Residential-4. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 676 ZC 174

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) North Hills Drive, west side, between Millbrook Road Extension (proposed) and Garden Crest Circle, being parcels 12, 48, 50, 69 and 70-73, Tax Map 379, rezoned to Residential-6 (Parcel 74 to remain Residential-4). (Z-65-85)

(b) Cross Link Road, west side, between Hadley Road and Dandridge Drive, being Parcels 37 and 38, Tax Map 606, rezoned to Residential-10 with a 10-foot Conservation/Buffer along the northern, eastern and western property lines, according to map on file in the City of Raleigh Planning Department. (Z-75-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

***TRAFFIC-OLD LASSITER MILL ROAD SAFETY PROBLEMS - NEW "T" INTERSECTION - AUTHORIZED CONDITIONALLY

Chairperson Block reported the Public Works Committee recommends if a petition is received for the street improvements on Old Lassiter Mill Road, the Committee recommends that the improvements be made according to the new alignment as agreed upon by Administration and the property owners. This would involve creating a "T" intersection at Old Lassiter Mill and New Lassiter Mill Roads. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SUMMERWOOD TOWNHOMES - DAMAGES - ITEM REMOVED FROM THE AGENDA

Chairperson Block reported the Public Works Committee recommends removal of this item from the Agenda with future inquiries on this subject to be referred to Administration. Mrs. Block explained Assistant City Manager Yates is to be commended for his negotiation on this item. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PUBLIC WORKS AGENDA ITEMS - REFER TO ADMINISTRATION

Chairperson Block reported the Public Works Committee recommends that the following items be referred to Administration to be brought out at the appropriate time:

ETJ - Northwest Quadrant
Water Problem - Lyndhurst Drive
Stormwater Management
Evaluation of Subdivision Code
Subdivision Regulations/Reservations of Public Land
Siting of Buildings on Public Streets
Churches in Residential Districts-Proposed Ordinance
Outer Beltloop - Acquisition of Land

On behalf of the Committee, Mrs. Block moved the recommendations be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

***AGENDA ITEMS - REMAINING - REFERRED TO ADMINISTRATION

Chairman Calloway reported the Intergovernmental Committee recommends the following items be referred to Administration:

1. Dorothea Dix Property
2. Establishment of Business and Technology Center
3. ETJ Extension - YMCA Property
4. Sidewalks - Western Boulevard

On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ANNEXATION PROGRAM - 1986 - INFORMATION RECEIVED; TO BE PLACED ON JANUARY 7, 1986 AGENDA

Intergovernmental Liaison Committee Chairman Calloway reported the Committee recommends adoption of a Resolution of Intent to annex the following areas for 1986 according to the schedule included in Council Members' Agenda packet (Adoption of Resolution of Intent, January 7, 1986):

Area 1 - Jones Franklin Road
Area 2 - Creedmoor Crossings
Area 3 - Stonehenge, Crosswinds
Area 4 - Leadmine, Old English Downs
Area 5 - Spring Forest Road/North Farms
Area 6 - Buffaloe Road, Residential

Planning Director Chapman indicated these 6 areas were reviewed by the Committee and these are the areas to be considered for annexation. He stated this is for information only as the Resolution of Intent cannot be adopted until January 1986. The Intergovernmental Liaison Committee wanted the next Council to realize that this was the intent of the Council. The item was received as information with the understanding it would be placed on the January 7, 1986 agenda for action.

***ANNEXATION - RESOLUTION OF CONSIDERATION FOR 1987/1988 - ADOPTED

Mr. Calloway indicated the Intergovernmental Liaison Committee recommends adoption of a resolution of consideration for areas to be annexed in 1987/1988, as shown on the map included in Council Members' Agenda packet and available at the meeting. Mr Congleton questioned if any consideration had been given to Hidden Valley. City Manager Benton indicated we have to deal with the private water system there, and the annexation of Hidden Valley would also involve a good deal of sewer extension. Mr. Calloway moved adoption of the Resolution of Consideration. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 12

A RESOLUTION IDENTIFYING THE AREAS WHICH ARE UNDER CONSIDERATION FOR ANNEXATION BY THE CITY OF RALEIGH, NORTH CAROLINA

WHEREAS, N.C.G.S. 160A-49(37)(i) provides that a Resolution of Consideration must be adopted by the City Council at least one year prior to the resolution of intent to annex in order to begin the City initiated annexation procedure. The area described under the Resolution of Intent may comprise a smaller area than that identified by the Resolution of Consideration. The Resolution of Consideration may have a metes and bounds description or a map and shall remain effective for two years after adoption and shall be filed with the City Clerk; and

WHEREAS, the City Council has considered several areas for the purpose of possible annexation within the next two years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That all the area identified as being under consideration for annexation for the next two years are shown on the attached map entitled, "Area of Consideration for Annexation '87-'88" which is hereby incorporated by reference into this resolution.

Section 2. That this resolution shall become effective immediately following its adoption.

Adopted: 11/19/85

Effective 11/19/85

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

***S-76-85 - CRABTREE IMPROVEMENT COMPANY - GREENWAY DEDICATION ACCEPTED

Chairman Walters reported the Real Estate Committee recommends that the dedication of a 60-foot greenway corridor parallel to Alleghany Drive and a 30-foot corridor along Hertford Street as now proposed by the Crabtree Improvement Company be accepted and approved as follows:

In exchange for a dedicated 60 foot wide greenway easement along Crabtree Creek from our western property line to the vicinity of Hertford Street (from points A to B on the attached map) and a 30 foot wide easement along Crabtree Creek from this point to point C on the attached map with such easement including a 45 deg. angle from the south west corner of Lot 3 to Crabtree Creek with this easement providing access from Crabtree Creek to Hertford Street, the City would agree to:

1. allow a modified sidewalk and gutter design as part of our responsibilities to improve Hertford Street from the existing sidewalk to the 30 foot greenway access to Hertford Street.

2. allow a header curb street design from the above noted greenway access on Hertford Street to Transylvania Street and no sidewalk.

3. allow a header curb street design along Alleghany Drive and no sidewalk (the City would finance and build the greenway path).

It is further understood that under these terms, the street improvements on Hertford Street would be made to match the width of the curb and gutter section east of our proposed project and the Alleghany Drive street improvements would be on a design cross section for one half of a 41 foot wide street.

On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CITY MARKET PROJECT - PROPOSED TRADE - RESOLUTION OF INTENT ADOPTED

Mr. Walters reported the Real Estate Committee recommends that approval be granted for the advertising of a proposed trade of the City property located at 125 Martin Street for that property now owned by Al Brothers located at 325 Blake Street. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 17

A RESOLUTION OF INTENT TO EXCHANGE REAL PROPERTY IN THE CITY OR RALEIGH

WHEREAS, The City of Raleigh owns property located on Martin Street, known as Block A-47-1&2; and

WHEREAS, Al Brothers owns property at 325-327 Blake Street, Parcels A-41-1&2; and

WHEREAS, General Statutes 160A-271 set out rules and regulations relating to exchange of property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH,

Section 1. That the City Council at its meeting scheduled for Tuesday, December 17, 1985, will consider adopting a resolution authorizing the exchange of this real property.

Section 2. That a notice will be published ten (10) days prior to this action.

***PA-129-85 - CROWN CENTRAL PETROLEUM COMPANY - BUILDING PERMIT TO BE AUTHORIZED

Chairman Walters reported the Real Estate Committee recommends that approval be granted to Crown Central Petroleum Company for their proposed improvement and use of property at the intersection of Western Boulevard and Buck Jones Road. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***COMMUNITY DEVELOPMENT - VARIOUS ITEMS - APPROVED

Mr. Walters reported the Real Estate Committee recommends that the Administrative recommendations be approved on the following properties: Fair market disposition values - 110 South Haywood Street - $40,000; 119 South Haywood Street - $40,750; 410 Morgan Street - $2,829.48. Mr. Walters indicated the Real Estate Committee also recommends adoption of a Resolution of Condemnation on property located at 607 Hay Lane in order to provide clear title conveyance. On behalf of the Committee, he moved the recommendations be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE NOMINATING COMMITTEE

***APPOINTMENTS - VARIOUS COMMITTEES - MADE

Ms. Cates reported during the November 5, 1985, Council Meeting, the Nominating Committee made the following nominations. No nominations were made from the floor; therefore, it would be appropriate for the City Council to confirm the following appointments:

Appearance Commission - Reappointment of Rodney L. Swink

Heating, Air-Conditioning, Refrigeration and Ventilation Board - Reappointment of Robert Cooper, Rick Babcock, Larry Kelly, and Stuart O. Arnold; Appointment of Willis Edward Toude

Human Resources and Human Relations Advisory Committee - Reappointment of Sol Richman; appointment of Rebecca Weatherford

Youth Council Advisory Board - Reappointment of Sarah Harris

Arts Commission - Appointment of Jane Purser

On Behalf of the Nominating Committee, Ms. Cates moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***BOARD OF ADJUSTMENT - ANN FRANKLIN APPOINTED AS ALTERNATE MEMBER

Ms. Cates reported during the October 15, 1985, Council Meeting, the Nominating Committee recommended the reappointment of Rhody Dillon as alternate member of the Board of Adjustment. Mrs. Block nominated Ann Franklin from the floor; therefore, it will be appropriate to have a ballot vote to determine the appointment for the alternate member for the Board of Adjustment.

A ballot vote resulted as follows: Dillon - 3 (Congleton, Walters, Upchurch); Franklin - 5 (Babb, Block, Calloway, Keller, Cates). The Mayor announced the appointment of Ann Franklin as an alternate member on the Board of Adjustment.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***WESTERN BOULEVARD - ACCEPTANCE OF GREENWAY EASEMENT - APPROVED

City Manager Benton explained the City has a greenway project along Rocky Branch extending from the Pullen Park area to Boylan Heights. An easement needs to be obtained on State property. The State has agreed to give a greenway easement.

There is one concern. A part of the greenway between South Saunders and the railroad and on Dorothea Dix property would be in conflict with the future alignment of Western Boulevard. The City can alter the two sections of the path to remove this conflict. However, it must be clear that such an adjustment will be needed when the Western Boulevard extension is built. A map was available at the Council Meeting.

Recommendation: That the Council approve the greenway easement from the State with the stipulation in the official record that the section of the greenway in conflict with the future Western Boulevard must be relocated when the road is built.

Mrs. Block moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway. Mr. Congleton indicated it seems that since we know that the road will be built in the future, why couldn't we allow for the extension of Western Boulevard now. City Manager Benton indicated the extension of Western Boulevard is on our Transportation Plan but it is not on anyone's construction program. He explained given the uncertainty of the time schedule and the fact that this is a very scenic route, he feels we should go as recommended. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***PERSONNEL - STANDARD PROCEDURES - DEFERRAL OF FULL IMPLEMENTATION APPROVED

City Manager Benton explained recently, the Council approved Personnel Procedures which adjusted the City's policies on overtime compensation to comply with the Supreme Court decisions and United States Labor Department requirement. Congress has now passed a law modifying the application of the Fair Labor Standards Act to governments and the President signed it into law on November 13, 1985. We have not had time to draft the adjustments to our policies as provided for in the new law, but will have such changes for the December 3, Council Meeting. It is appropriate to defer full implementation of the previously approved procedures until after December 3, 1985.

Recommendation: That Council concur with the deferral of the full implementation of the FLSA to related personnel procedures. Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The mayor ruled the motion adopted.

***ROAD PROGRAM - PUBLIC REVIEW PROCESS - APPROVED

A plans review process has been developed to provide the opportunity for the general public to review and comment on the design for the Major Roads Projects. A copy was included in the Agenda packet.

Recommendation: That the Council approve this review process. Ms. Babb moved the process be approved. Her motion was seconded by Mr. Congleton. Ms. Cates asked that the City Clerk have copies of these available for the public to pick up. Mr. Congleton asked Administration to make sure that the City Council is notified of all of the various review meetings. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***PERSONNEL - TRANSPORTATION DEPARTMENT AND ENGINEERING DEPARTMENT - ADDITIONS AUTHORIZED

The pace of development continues. A vital part of it is the construction of roads. We need to keep the capacity to fully review these plans for adherence to our design standards. We also need the capability to review new proposals for roads construction which may be submitted by private individuals. There is an opportunity to utilize Federal funds to add staff in the Transportation Department. In addition, more staff analysis of transit operations and planning is needed to assure that we

are most effective in use on the Mass Transit System.

The following additions are proposed:

Office Assistant II
Traffic Engineering Technician III
Planning Technician

The funding would be 85 percent Federal and 15 percent City. For the remainder of FY 85-86, the City's funding would be $4,832.

Recommendation: That the additional positions be approved subject to receipt of the Federal grants, and the following budget adjustments be approved:

Transferred From:		
01-2-1040-0001	Gen. Fund Contingency	$782
Transferred To:		
02-1-5360-0102	Sec. 104(f) PL City Match	$782
Transferred From:		
01-2-1040-0001	Gen. Fund Contingency	$4,050
Transferred To:		
01-2-1230-0730	DOT Office Equip.	$4,050

Budget Amendment:

Increase Revenue:		
02-1-5360-0100	Sec. 104(f) PL	$23,537
02-1-5360-0101	City In-Kind	3,374
02-1-5360-0102	City Cash	782
		$27,693
Increase Expenditure:		
02-2-5360-0100	Salaries	$16,771
02-2-5360-0101	Fringe	2,348
02-2-5360-0102	In-Kind	3,374
02-2-5360-0701	Equip. & Furn.	5,200
		$27,693

With the City's major roads projects reaching final design stages and with the number of State projects approved which will require coordination with the City, it is necessary to propose an adjustment in the senior management staffing for the Engineering Department. At present, the staffing includes the department head and one assistant department head. This department has two major missions: design, design review, and construction management of City funded projects such as utility lines and roads; review developer plans for public facilities and inspection of such facilities as they are built.

To satisfy our requirements, the department should have an assistant to manage each of these two missions. Therefore, it is proposed that an additional assistant department head be approved. This would be an Assistant City Engineer at Pay Grade 40, with a salary range of $27,635 to $42,872.

Recommendation: That the Council approve an additional position of Assistant City Engineer and the following transfer of funds for FY 85-86.

Transferred From:		
01-2-1040-0001	Gen. Fund Contingency	$15,234
Transferred To:		
01-2-1200-0100	Salaries	$15,234

Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Cates. Mayor Upchurch indicated from his perspective he would like for the Manager to be aware that if additional personnel is needed that the manager should come forth and request that. Ms. Cates indicated as we are constructing new roads she wonders if we should look a whether we could be more effective, that is, have car pools or bus lanes on streets that we have seven lanes or more. She pointed out if a person is riding a bus and the bus gets caught in the same traffic jam as a car there is not incentive to ride the bus. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 671

AN ORDINANCE TO AMEND THE 1985/1986 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1985/1986 Budget be amended as follows to accept contribution from 3600 Glenwood Associates for Glenwood Avenue median beautification:

Revenue:	37-1-0070-0200	Misc. Income	$1,000.00
Expense:	37-2-3000-0194	Glenwood Landscpg.	$1,000.00

Section 2. That the 1985/1986 Budget be amended as follows to set up funds for Urban Land Institute:

Revenue:	01-1-0070-0200	G. F. Misc. Income	$50,000.00
Expense:	01-2-1220-0265	Other Services	$50,000.00

Section 3. That the 1985/1986 Budget be amended to increase the existing 104(f)PL Budget to provide salaries, furniture and equipment for Office Assistant II and Traffic Engineering Technician III positions:

Revenue:	02-1-5360-0100	Sect. 104(f)PL	$23,537.00
	02-1-5360-0101	City In-Kind	3,374.00
	02-1-5360-0102	City Cash	782.00
Expense:	02-2-5360-0100	Salaries	$16,771.00
	02-2-5360-0101	Fringe	2,348.00
	02-2-5360-0102	In-Kind	3,374.00
	02-2-5360-0701	Equipment & Furniture	5,200.00

Adopted: 11/19/85

***UNIVERSITY VILLAGE COMMUNITY PLAN - ADMINISTRATION TO PRESENT TO UNIVERSITY NEIGHBORHOOD PLANNING COUNCIL; ADMINISTRATION AUTHORIZED TO PREPARE SUB-AREA AMENDMENT

The staff has undertaken a review of this plan. A copy of the evaluation was included in the Agenda packet. Several key policy decisions will need to be made.

(1) Sidewalk Design

A process for incremental approval of sidewalk improvements will need to be developed. It will need to be developed to restrict such opportunities only in areas where a specific streetscape plan has been developed and a master streetscape plan has been adopted for all developers to follow.

(2) Maintenance of Streetscape Structures

This issue will need to be resolved. The property owners should have substantial maintenance responsibilities.

(3) Modifications in Street-Crosswalks

Crosswalks should receive extensive marking and delineation to assure that vehicle operators acknowledge the pedestrian movement. However, the street surface should be the same as the vehicular lanes and markings on the pavement should be used rather than putting bricks or other material not normally used on City streets.

(4) Parking

Adequate off-street parking must be provided if this area is to be economically vibrant and compatible with the residential areas. The results of past parking variances by the Board of Adjustment has caused conflicts with adjacent residential development. A plan needs to be developed to maximize the use of university parking lots for businesses in the area where such does not conflict with direct university use. A plan must be developed to provide additional parking areas also if the parking requirements are to be modified.

Recommendation:

(1) That the Council authorize the submittal of the staff evaluation to the University Neighborhood Planning Council;

(2) That the Administration be authorized to prepare a subarea amendment to the University District plan incorporating these policies and programs;

(3) That the Administration be authorized to work with the University on the development of a parking plan for this area.

City Manager Benton briefly explained this item, pointing out the most difficult relates to the parking. Ms. Babb moved approval of the Manager's recommendation. Her motion was seconded by Mr. Keller. Mrs. Block indicated she feels administration has done a good job in evaluating this plan. She stated, however, two things concern her. One relates to the parking plan. She indicated she had heard someone was working on a plan to allow for contributions to go to a parking deck. She feels that is good. She stated she had also heard that this plan will negate our present ordinance about open air music, and that should not happen. Ms. Cates questioned if this is something that we should vote on a budget time with City Manager Benton indicating we have got to check out how to use existing parking and make better use of that, and develop a plan for financing of additional parking in that area. He stated he did not know whether it would be ready for this budget time. The motion as

stated was put to a vote which resulted all members voting in the affirmative. The Mayor ruled the motion adopted.

***DOWNTOWN MASTER PLAN UPDATE - MAYOR AUTHORIZED TO EXECUTE CONTRACT WITH URBAN LAND INSTITUTE SUBJECT TO FUNDS BEING RECEIVED

On September 17, 1985, the Council endorsed the concept of a Special Urban Land Institute Panel to review the City's Downtown Plan as part of the update of this document. The financing was proposed to be from the State, Downtown Development Corporation, Chamber of Commerce, and the City.

It appears that these agencies will provide funding support as requested. Material was included in the Agenda packet.

Recommendation: Subject to receiving final commitments from the above noted groups, it is recommended that the Council authorize the Mayor to execute a contract on behalf of the City with Urban Land Institute for their panel advisory service.

City Manager Benton indicated the Chamber has agreed to funding $10,000; the Downtown Raleigh Development Corporation, $20,000, and the State has initially approved their $20,000 commitment. Mr. Walters moved approval of the Manager's recommendation. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***POLICE DEPARTMENT - COMMENDED

City Attorney McCormick indicated he would like to commend to the City Council the work the police have recently done in connection with the Ashland Chemical case. He indicated the Raleigh Police could have very easily taken the position that some others did, but they did not. They went above and beyond the call of duty, and he hopes the City Council will take note of their excellent work. City Manager Benton indicated he thought the Police worked with a number of other City staff in trying to stay on top of this matter. He indicated the City was disappointed that we were kept on the point of the needle when others didn't step forward and handle the situation.

REPORT OF MAYOR AND COUNCIL MEMBERS

***COUNCIL MEMBERS - EXCUSED FROM VARIOUS MEETINGS

Mrs. Block asked permission to be excused from the night portion of the Council Meeting as well as the Thursday night meeting. Mr. Congleton asked to be excused from the Thursday night Zoning hearing. Without objection they were excused.

***SCHOOL HEARING - MAYOR AND MR. CONGLETON TO ATTEND

Mayor Upchurch indicated the School System's plans for future expansion will be aired at a public hearing. He indicated nothing is mentioned about inner city schools, and we need to have someone at the meeting to represent the City. It was agreed that the Mayor and Mr. Congleton would attend the meeting.

***CHANCELOR POULTON - COMMENDED

Mrs. Block indicated she would like to ask the City Council to write a letter or adopt a resolution commending Chancelor Bruce Poulton for his attitude and help in sharing information with the City and the neighborhood on various issues of concern. She indicated this is the first Chancelor in NCSU has had that communicated freely with the City and the neighborhood on items of mutual concern. Mayor Upchurch indicated he would also like to express appreciation to Mr. Keller for his efforts in this matter. Mr. Keller pointed out Chancelor Poulton is willing and eager to cooperate with the City. It was agreed to write a letter of commendation to Dr. Poulton.

***WATER PRESSURE - PLEASANT RIDGE ESTATES - REFERRED TO ADMINISTRATION

Mrs. Block indicated most Council Members received a letter from Mary Bell Pate concerning the lack of water pressure in the Pleasant Ridge Estates area. She explained she understood we will be having some new construction for water lines in that area, but questioned if there is anything that could be done to help with the situation now. The item was referred to Administration.

***INSPECTIONS DEPARTMENT - COMMENTS RECEIVED

Ms. Babb indicated she has begun hearing from folks in the development community that a lot of times it takes to two weeks to get inspections. She indicated the comments she has been receiving are very positive comments about the Inspections Department. However, the development community just does not feel that there is enough staff to get the work done. The comments were referred to Administration.

***TRAFFIC - NORTHBROOK/SIX FORKS ROAD - REFER TO ADMINISTRATION

Mr. Congleton indicated there seems to be a problem at the intersection of Northbrook and Six Forks Road right at Carroll Middle School. He indicated there is a lot of concern about the pedestrian crossing, pointing out the sign says "No Right Turn on

Red During School Hours." He explained the City has just approved an additional 180,000 square feet of office space in this location. He stated he too is concerned, and maybe Administration could have someone look at the situation to see how many kids do cross at this location, or maybe a non-police check to determine if people are turning right on red during the prohibited hours.

***TRAFFIC - INTERSECTION OF LEAD MINE AND LYNN ROAD - COMMENTS RECEIVED

Mr. Congleton questioned the status of the Lead Mine intersection at Lynn Road. City Manager Benton indicated we are moving ahead with inhouse design, with Mr. Congleton indicating he hopes that this will be expedited as quickly as possible.

***SISTER CITY COMMITTEE - BYLAWS AND ARTICLES OF INCORPORATION - APPROVED

Mr. Walters presented copies of the proposed Bylaws and Articles of Incorporation of the Sister City of Raleigh. He briefly explained the proposal. Mr. Calloway moved approval of the Bylaws and Articles of Incorporation as presented. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***STREET CLOSING - OLD MILLBROOK ROAD - PUBLIC HEARING AUTHORIZED CONDITIONALLY

Mr. Walters indicated he had received some information relating to the closing of Old Millbrook Road, and he would move adoption of a resolution of intent to set a public hearing to consider the closing. City Manager Benton indicated he did not know anything about this. Mr. Walters amended his motion to set a public hearing th consider the closing of Old Millbrook Road right away subject the review of the City Manager. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 18

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF OLD MILLBROOK ROAD RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

Being all of the sixty foot right-of-way of Old Millbrook Road lying between an extension of the eastern right-of-way line of the 50' R/W connecting "Existing Millbrook Road" and "Proposed Millbrook Road" as shown on map recorded in Book of Maps 1984, page 305, Wake County Registry, to the north through the 60' R/W shown as "Existing Millbrook Road" on said map and an extension of the northern right-of-way line of "Proposed Millbrook Road" to the east through the 60' R/W of "Existing Millbrook Road" as shown on the aforesaid map.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, January 7, 1986, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 11/19/85

***CHINA - MAYOR OF NANCHANG - TO BE INVITED TO VISIT RALEIGH

Mayor Pro Tem Walters indicated he had given Council Members a memo on his meeting with the delegation from China. He indicated the Mayor of Nanchang would like to visit the City of Raleigh, but explained they have to have an official invitation from the Mayor of the City they plan to visit. Mr. Walters asked that Mayor Upchurch be authorized to write a letter to the Mayor of Nanchang inviting him to visit the City of Raleigh. Mrs. Block questioned if this should be cleared with the State Department with City Attorney McCormick indicating they would have to get a visa from the State Department, but before they can apply, they have to have an official invitation. Without objection it was agreed that the Mayor would issue the invitation.

***NEW BERN AVENUE - PROPOSED CHANGES - REFERRED TO CITY MANAGER

Mr. Walters indicated he would like to make five recommendations relating to the traffic problems on New Bern Avenue. He indicated he would outline these recommendations and ask that they be referred to the City Manager for his recommendations:

1. Right turn only lane at Longview/Lord Ashley be removed.

2. Right turn in and right turn out only at Longview Shopping Center.

3. That the traffic light in the middle of the block on New Bern Avenue be removed.

4. Request the State to place a traffic light at the intersection of Clarendon Crescent and New Bern Avenue.

5. Reduce the speed limit from on New Bern Avenue between Carver Street and Sunnybrook Road to 35 miles per hour.

Without objection these items were referred to the City Manager.

***PLANNING COMMISSION - OPERATIONS - ADMINISTRATION TO GIVE A REPORT

Ms. Cates asked Administration to make a recommendation as to how the City Council could help in improving the operation of the Planning Commission. She pointed out in addition to their regular meetings they have a number of committee meetings and it is very time time consuming. She stated possibly we need to look at enlarging the Planning Commission as she feels it may operate smoother with more members. She stated in addition the City Administration should look at the possibility of increasing the staff assistance to the Planning Commission. She pointed out the Planning Commission does have a tremendous backlog of cases, and she would like for administration to provide a report on what can be done to help facilitate their operation.

***FLETCHER PARK BUILDINGS - LETTERS FROM HISTORIC PROPERTIES AND ARTS COMMISSION - REFERRED TO ADMINISTRATION

Ms. Cates indicated she is concerned about the number of letters she receives on her desk the morning of a City Council meeting. She stated today she received four or five letters that related to the Council meeting, but pointed out she did not have the time to read all of the letters and digest the recommendations. She stated there is no way she can read these before the City Council meeting, and just wanted to make the comment that if anybody had information to get to her about a Council item they should do so prior to the morning of the Council meeting. She stated two of the letters she received related to the buildings on the Fletcher Park property. One was from the Historic Properties Commission and the other from the Arts Commission. She asked that these letters be referred to administration as they are looking at use of the buildings. Without objection the items were so referred.

***CARS - IN RESIDENTIAL AREAS - COMMENTS RECEIVED

Mr. Walters indicated he has learned that somehow we removed from our Code the number of vehicles allowed in a residential area that are unlicensed, non-operating, etc.. He stated he feels we should have this in the Code. City Attorney McCormick indicated he is working with the Inspections Department and a recommendation will be made back to Council. The comments were received.

REPORT AND RECOMMENDATION OF THE CITY CLERK AND TREASURER

***TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

Council Members received in their Agenda packet three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the tax listing as submitted by the Wake County Tax Supervisor for refunds due to clerical error purposes during the month of September. Mr. Congleton moved approval of the tax resolutions and listings. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 13

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1985	Edwards, Ruth Lilly	01-2-5276251	$ 13.13	Error-Illegal Bill
1985	General Electric Credit Autolease	01-1-5224265	16.74	Error-Illegal Bill
1985	General Electric Credit Autolease	01-1-5224265	58.50	Error-Illegal Bill
1984	Hassinger, C. R. Hauling Company	01-1-5181456	1,382.52	Error-Illegal Bill
1985	Japan Leasing (USA)	13-7-5270018	48.01	Error-Illegal Bill
1984	Jeffries, Shirley Jean	13-2-5466669	42.33	Error-Illegal Bill
1985	Kearney, Sarah E.	13-2-5259763	14.04	Error-Illegal Bill
1984	Lambert, Erdmon & Mary	01-2-5171306	8.06	Error-Illegal Bill
1983	Lambert, Erdmon & Mary	01-2-5171306	24.84	Error-Illegal Bill
1982	Lambert, Erdmon & Mary	01-2-5171306	28.53	Error-Illegal Bill
1985	McFarland, Drew Pate & Reba W.	01-2-0045829	19.24	Error-Illegal Bill
1984	NC National Bank	01-1-5035171	200.20	Error-Illegal Bill
1985	Smith, Terry P. & Nina	01-2-0065594	143.00	Error-Illegal Bill
1985	Washington, Ronald Z.	01-2-0064720	20.61	Error-Illegal Bill
1985	Yakamavich, Vincent J. & Joyce	01-2-0024090	57.98	Error-Illegal Bill
1984	Lowes of Zebulon #141	09-1-5087800	406.07	Error-Illegal Bill
1984	Ellisberg's Inc.	01-7-5252047	300.34	Error-Illegal Bill
1984	Ellisberg's Inc.	01-7-5252050	32.34	Error-Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

RESOLUTION NO. (1985) 14

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N. C. General Statutes 105-278, exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMT. OF VALUE	RECOMMENDATION
1985	Carolina Legal Assistance	$ 11,829	Approved
1985	Farmworkers Legal Services	35,870	Approved
1985	Covenant Church of Raleigh	14,520	Approved
1985	George B. S. Hale High School	26,300	Approved
1985	Hale, George B. S. High School	30,000	Approved
1985	Logos Music Ministries, Inc.	3,182	Approved
1985	N. C. Legal Services	5,280	Approved
1985	Occoneechee Council of Boy Scouts	154,000	Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

RESOLUTION NO. (1985) 15

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1985	Elzie Oree Beck, Jr.	18-2-5288990	$ 9,800	Relieved
1985	Michael Bimonte	11-2-5288653	19,860	Relieved
1985	Michael Lawrence Dubs	07-2-5288650	8,250	Relieved
1985	Regina Ford	13-2-5288665	8,290	Relieved
1985	Italian Apparel, Inc.	07-2-5289415	58,238	Relieved
1985	Mary Irene Norman	01-2-5288647	5,260	Relieved
1985	Charles H. Robinson, Jr.	11-1-5210605	66,953	Relieved
1985	Donald M. & Helen Sibley	01-2-5288644	10,252	Relieved
1985	White & Slack Architects	01-1-5032386	10,483	Relieved
1985	Garry Aaron Willard, III	01-2-5278340	21,750	Relieved

Section 2. That the following requests for relief be denied:

YEAR	NAME	AMOUNT
1985	Reginald Curtis Dean	$ 2,200
1985	First Union Commercial Corp.	62,230

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

***STREET EASEMENT EXCHANGE - WESTBROOK NORTH SUBDIVISION - RESOLUTION ADOPTED

During the October 1, 1985, Council Meeting, the City Council authorized the exchange of street easements relating to the Westbrook North Subdivision. Proper procedures have been followed and it is recommended that the City Council adopt a resolution authorizing the exchange of 1,090.81 square feet of real property known as Ebon Court right-of-way (presently owned by the City) for 10,151.40 square feet of property which will become a part of Ebon Court right-of-way. Mr. Congleton moved adoption of the resolution as recommended. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 16 .

A RESOLUTION TO AUTHORIZE THE EXCHANGE OF CERTAIN STREET EASEMENTS

WHEREAS, on October 1, 1985, the City Council voiced its intent to exchange street easements relating to the Westbrook North Subdivision - Ebon Court right-of-way; and

WHEREAS, all procedures as set out in General Statutes 160A-271 have been followed,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the easements as outlined by the City Council on October 1, 1985, and advertised in the Raleigh Times on November 8, 1985 be exchanged and appropriate maps recorded and the Mayor be authorized to sign any instruments of conveyance.

***RECESS

At 5 p.m. the City Council recessed to be reconvened at 8:30 a.m. on Thursday, November 21 to discuss items that were deferred from this meeting.

Gail Smith
City Clerk

rp/11

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The City Council of the City of Raleigh met in a reconvened meeting on Thursday, November 21, 1985 at 8:30 a.m. in the City Council Chambers with the following present:

Mayor Upchurch, presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Also present were Council Members-elect Meeker, Burns, and Safran. Mayor Upchurch indicated Council Member-elect Campbell had a conflict and could not be at the meeting.

***TC-22-85 - DENSITY TRANSFER FOR RIGHT-OF-WAY PROTECTION - APPROVED AS AMENDED

Mayor Upchurch indicated this is an official City Council Meeting by tis not a public hearing. He stated, however, we do have some people present who will be helping the City Manager in giving the Council detailed, technical data on TC-22-85. Mayor Upchurch indicated he assumes that everyone is seeking the same goal of serving public interest, which is water quality protection and improving the transportation system for the City of Raleigh. He stated he realizes this is an emotional issue, and he is sorry to see so much fiction being written about this item. He stated it is very important that we protect our water supply, but he realizes that if something isn't done between US 64 East around to US 70 West, our transportation systems will be clogged. Mayor Upchurch indicated he was sorry that an individual name keeps bringing thrown into this issue. He stated Developer Cliff Benson did not ask for this proposal, and that isn't the issue. The issue before the Council is water quality and transfer of density in order to protect right-of-way corridors. He explained this discussion was triggered by two subdivisions that had been approved by the City Council in July. He stated the owners of these properties decided to proceed with construction. Mayor Upchurch explained he asked Mr. Benson to hesitate and let the City Council look at the issues. He stated Mr. Benson voluntarily agreed to wait, and there were no threats made nor any promises made. Mayor Upchurch explained he is not against buying land to protect the right-of-way, but he has strong reservations about taking taxpayers' money outside the City when we can't pave all the streets in the City. He explained we are only talking about land in the corridors of major roads. He explained this text change will clear the question about the 90 foot right-of-way and corridors that have over 90 feet, and whether the City can or cannot protect them. He asked that the Council stop talking and thinking about individual cases and start talking about transfer of density, water quality and protection of right-of-ways. He stated these problems can be addressed sensibly and sensitively and not cost th taxpayers excessive money in accomplishing these objectives.

City Manager Benton indicated this text change is written in such a way that it does have application throughout the City's jurisdiction. He stated it does include and would have impact in the City's jurisdiction in the Falls Watershed. He stated individuals from the State Department of Natural Resources and Department of Transportation are in the audience today as they both have an interest in protecting our water quality, and also protecting the right-of-way for the corridor of the Northern Wake Expressway as it is in the 10-year TIP.

Planning Director Chapman explained the proposed text change is basically an amendment to the zoning code dealing with density transfer for any right-of-way that exceeds 90 feet in width. He explained under this proposal any place where the adopted thoroughfare plan calls for a right-of-way in excess of 90 feet could be transferred to adjacent residential land. He indicated this will affect the Northern Wake Expressway, portions of US 1 North, and US 64 East, as all of these have proposed corridors of over 90 feet in width. He stated the 90 foot basic right-of-way would be required to be dedicated at the time of subdivision. He said the density transfer would be allowed only where the owner will dedicate the rest of the right-of-way and waive the right to withdraw that dedication. He again explained the transfer is only to adjacent residential land and can be accomplished only if the developer choses to use cluster development, or have lot sizes no greater than the next highest zoning category would allow. He indicated there is another cap in the proposal that applies only in the Watershed Protection area, and that is that no density can be transferred greater than 2 units per acre, and the transfer of density can be applied only where site plan approval is applied. Mr. Chapman explained the transfer instrument must be recorded. Mr. Chapman then went through examples of how the proposed text change would work, how much density would be transferred, and the resulting density.

In response to questions Mr. Chapman indicated the approximate mileage from I-40 to US 1 is about sixteen miles, and 613 acres are involved in the 300 feet of right-of-way within the Falls Basin, which is between Leesville and Falls of Neuse Road. Outside the Falls basin there is approximately 7 miles and 275 acres within the proposed right-of-way of the Northern Wake Expressway in the City of Raleigh's jurisdiction. He explained the density transfer that could occur in the Falls Basin if this text change is approved. He presented a map showing the City's and the County's zoning jurisdiction, explaining the City's jurisdiction is about 1% of the entire watershed. He explained the primary watershed protection area and the

difference in the County's regulations and the City's regulations. He went through a map showing how the Northern Wake Expressway has been affected by approved subdivisions and where reservations have occurred. He indicated as far as the two subdivisions that are on today's agenda are concerned, Sutton Estates has approximately 35 1/2 acres of right-of-way and the Honeycutt Creek subdivision has approximately 15 1/2 acres of right-of-way. Mr. Chapman explained the existing ETJ and the proposed ETJ if the text change is approved. He stated if the text change were approved that the approximate net transfer of density in the City's jurisdiction would be about 260 units in the 2,700 acres.

Ms. Babb questioned if Mr. Chapman is saying that adoption of TC-22 as presented would allow only 260 more units spread over the 2,700 acres with Mr. Chapman indicating that is correct. He went through the two subdivisions explaining how the proposal would affect the density with it being pointed out if the transfer of density is allowed the two subdivisions would have 1.7 and 1.4 units per acre for an overall density. Mayor Upchurch indicated when the City of Raleigh adopted its policy, it adopted a stricter policy than Wake County. He stated we have 2,700 acres surrounded by the County jurisdiction, and we are requiring lower density than the County. He indicated if these two subdivisions were in the County's jurisdiction, the units would be allowed.

City Manager Benton introduced Jim Peeden, representing the State Department of Transportation. Mr. Peeden indicated he shares the concern for Raleigh and Wake County's water supply and wants to make sure that is protected. He stated they wanted to bring people to provide expert testimony from NRCD and the State DOT, pointing out some of the information they will be bringing is new. He stated they share the concern that this is a sensitive area, but we are also trying to provide transportation for the area. He asked the Council to keep an open mind and listen to to the presentations.

Mr. Larry Goode, representing the State DOT, indicated they do share everyone's concern about water quality. He stated the Northern Wake Expressway is also vital to the quality of life in this area, and he feels that we must keep the corridor on track and do what ever we can to protect the right-of-way. He stated the section within the City's jurisdiction, without the transfer of density proposal, would cost taxpayers an additional 10 to 15 million dollars.

Dr. George Everett, representing the NRCD, indicated this is a local decision. He pointed out the State has prepared maps and guidelines and have looked at this proposal as to whether or not it meets the State's guidelines. He indicated they are trying to stay away from acres and number of units, just whether the proposal would meet guidelines. He explained the Stated is still evaluating the water quality in the lake, and they were not going to make any statements about precedent or signals or consequences if the ETJ is extended. He indicated they are not for or against anything, he is just at the meeting to present information. He explained the State guidelines for the Falls and Jordan Lake Watershed, explaining again they are just that, guidelines. He indicated the State had no authority to make anyone follow the guidelines. He went over the guidelines in detail, pointing out the City of Raleigh's policy goes beyond what the State feels is the critical area. He indicated they looked at worst case scenarios, the possibility of setting up or establishing ponds in the area, and the various calculations they have made. He again explained that the City went way beyond the guidelines established by the State, and indicated with the construction of the lakes and the guidelines set up, then the watershed would be protected. Ms. Burns questioned, given the purpose of the lakes, if they would be useable for anything with Dr. Goode pointing out this function would be to protect Falls Lake, and they could be useable depending on how they are managed. Ms. Cates pointed out the lakes would not be necessary if the transfer of density is not allowed, and pointed out Developer Judd Ammons originally recommended putting in lakes. Whether the recommendations about the lakes and the original recommendations are compromises was discussed at length. Whether the lakes were required to meet the standards was also discussed. How road corridors were protected in the past was discussed, with Ms. Burns questioning if the State was involved with the setting of the guidelines originally with Dr. Goode pointing out they were.

Ideal protection and whether the original guidelines and recommendations were compromises were discussed, with it being pointed out by the officials from the State that the ideal, purest solution would be leave the area in forest land. An ideal solution would be one house per 5 acres, but the guidelines were established in a light that would protect the lake and also give right of use of land. Ms. Babb pointed out from an ideal purest point of view she concurs, but there are other concerns, and that is the social and economic implications that would result. She indicated if you have one unit per 5 acres that it would be so expensive that we would be creating an elite ghetto. She stated no matter what the density will be, there is going to come a time that urban services are needed in the area. She indicated the responsibility of the governing body of a rapidly growing area includes protection of water supply, transportation, as well as socio-economic needs, and she does not want all of these considerations to be lost. What is developed in the Falls Watershed was discussed.

Planning Director Chapman again summarized the points of the text change as it would apply outside the watershed. Ms. Block questioned if the Mayor is suggesting the possibility of passing TC-22 with the understanding that it would not apply within our watershed. Mayor Upchurch indicated he did not feel there was enough votes to pass TC-22 if it applies to watershed, but explained there are approximately 16 miles of the Northern Wake Expressway corridor outside the watershed, and we do not have the money to purchase this land. The possibility of amending the text change to

apply only outside the water shed was discussed, with each council member giving their opinion on the text change as written, their feeling on whether the text change should or should not be passed inside or outside the watershed.

The steps the Council has taken in the past to set up the policy of development in this area, and the fact that the dividing line was established by a 5-3 vote were discussed. The proposed cost of the right-of-way for the Northern Wake Expressway and whether the State and Federal Government would participate in this cost was discussed at length.

City Council went into recess at 10:40 and reconvened at 10:55.

Mr. Congleton moved approval of TC-22-85 with one amendment, that is, exclude the density transfer within the primary watershed of Falls Lake. His motion was seconded by Ms. Babb. After brief discussion Ms. Cates made a substitute motion that TC-22 be adopted to apply anywhere except the Falls Watershed, Her substitute motion was seconded by Mrs. Block. City Manager Benton explained the difference in the two motions, explaining the primary watershed as it relates to our present ETJ and proposed ETJ. The substitute motion as stated was put to a vote which resulted in Ms. Cates and Mrs. Block voting in the affirmative and the remainder of the Council voting in the negative. The Mayor ruled the motion defeated. The original motion was put to a vote, which resulted in all members voting in the affirmative except Ms. Cates, who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 678 TC 225

AN ORDINANCE TO PERMIT DENSITY TRANSFERS FROM RIGHT-OF-WAYS GREATER THAN NINETY FEET IN WIDTH

WHEREAS, right-of-way costs represents over one-quarter the cost of highway construction; and

WHEREAS, failure to protect future rights-of-way can result in expensive relocations and in the case of federally aided construction negative environmental impact statements; and

WHEREAS, N.C.G.S. 160A-381 authorizes the City of Raleigh to regulate the density of population; and

WHEREAS, the Raleigh City Council finds that the transferring of residential densities from future rights-of-way with adequate safeguards will facilitate the provision of transportation without overcrowding the land; and

WHEREAS, the Raleigh City Council finds that greater density transfers are needed in the rural residential zoning district to attract large roadway dedications;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. The second and third sentences of Raleigh City Code Section 10-2063(a) are hereby repealed, rewritten, and reenacted to read as follows:

"All residential density except as provided in subsection (c) below, yard spaces, and building setbacks shall be calculated from the adjoining street right-of-way provided when either a new right-of-way has been established or an adjoining stubbed street is to be extended, the residential density except as provided in subsection (c) below, yard spaces, and building setback lines shall be calculated from outside the newly established right-of-way line or extended stubbed street.".

Section 2. Section 10-2063 of the Raleigh City Code is hereby amended to add a new last subsection which shall read as follows:

"(c) Upon the Council's approval of a thoroughfare plan for the City that portion of street rights-of-way in excess of ninety feet may carry a residential density which can be transferred to contiguous residentially zoned property under the same ownership when all of the following are met:

(1) This density transfer is applicable to al those portions of dedicated street right-of-way in excess of ninety feet provided the dedicators waive their statutory right to withdraw unopened dedications;

(2) The dedicated right-of-way in excess of ninety feet carries a residential density per acre value as shown on the official zoning map but in no event less than 4 units per acre;

(3) Transfers are restricted to contiguous properties under the same ownership which are located outside any primary reservoir watershed protection area;

(4) Contiguous properties which receive density transfers can be developed:

a. for a maximum residential density for the contiguous property cannot exceed the next higher density residential zoning district; and

b. as a cluster unit development with the sole exception that the minimum acreages of twenty or ten acres would not apply; or

c. with a minimum lot size of the next higher density residential zoning district.

(5) The density transfer may be utilized only when a site plan approval is invoked; only developments which comply with any and all other regulations for which the property is zoned will receive site plan approval; and

(6) Approved site plans utilizing the density transfer must be recorded in the Wake County Registry with indication that the roadway dedication density allowance has been utilized for that particular property.".

Section 3. Section 10-3016 of the Raleigh City Code is hereby amended to add a new paragraph, this paragraph shall follow the first paragraph and shall read as follows:

"All plats for recordation, including without limitation easement plats required by the city and recombinations, shall indicate the path of any expressway, freeway, major access corridors as defined in 10-2002.".

Section 4. The text of section 10-3018 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"Whenever a tract of land included within any proposed subdivision embraces and part of a freeway, expressway, collector street, major access corridor as defined in section 10-2002, major or minor thoroughfare so designated on the current city comprehensive plan or thoroughfare plan after such plan or part of it has been adopted by the proper authority, such part of such proposed public way shall be platted by the subdivider in the location and the width indicated on the city plan but no tract shall be required to plat more than ninety feet of right-of-way, excluding slope easements.".

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance shall become effective five days following its adoption.

Section 10. Sections 3 and 4 of this ordinance have been filed with the Wake County Register of Deeds as required by law.

Adopted: 11/21/85

Effective: 11/26/85

Mr. Congleton indicated he would like for the City Manager and the City Attorney to look at the whole issue of transfer of development rights. He indicated he was talking about density in rights-of-way for this and other roads, and see if they can come up with a way to transfer density, pointing out he understands that Virginia allows density transfer rights around water supplies, and he would like to see Administration work doubly hard to come up with a way to provide for that.

Mr. Congleton moved that S-220-85 - Honeycutt Creek Road Subdivision Scheme B and S-221-85 - Sutton Estates Scheme B be referred to Real Estate Committee. His motion was seconded by Mr. Walters. Ms. Cates indicated she feels it would be better to refer the matter of how we can secure rights-of-way in the Falls Watershed to the City Manager and ask him to come up with alternate ways to acquire the land. Mayor Upchurch pointed out the wheels are turning on these subdivisions. Ms. Cates indicated she felt there should be some other alternative other than outright purchase of the land for the right-of-way in these subdivisions or transfer of density. City Manager Benton indicated he does not have any specific alternative suggestions to make to the Council. He stated that Administration is available to move the way the Council directs and he feels that the City must look at how to protect the Northern Wake Expressway, whether it is by it or what, but he does not have any specific alternative. Mr. Walters stated it is imperative to move these two items to the Real Estate Committee, as the property owner has said he would hold up until a motion is

made and passed by the City Council on this issue, and that has happened, and he feels that building would probably start immediately, so the City has to do something. Whether the State and Federal Government will participate in right-of-way acquisition was discussed. Dr. Goode indicated the estimated cost of the right-of-way between Hwy 55 and US 1 North is approximately $205 million. He indicated he could not give the Council any idea as to what the Federal or State's share would be, pointing out no Federal funds would be involved until after an Environmental Impact study has been completed. The time frame for right-of-way acquisition for the Northern Wake Expressway was discussed with Dr. Goode indicating the Environmental Impact Statement is not scheduled until 1988, and it would take between 18 to 24 months to complete. Ms. Burns questioned if an Environmental Impact statement is done and it takes exception to placing roads in the watershed, if that would present difficulty, questioning if there is any way the City could know if that will present difficulties, with Dr. Goode indicating they build roads in the watershed every day. He stated the question now is protecting the corridor.

After lengthy discussion on the highway construction needs in this area as well as the State as a whole and Federal monies coming into the State, the motion to refer the two subdivisions to the Real Estate Committee was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business, the City Council adjourned at 11:20 a.m..

Gail Smith
City Clerk

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